

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CARI GOODWINE,

Plaintiff

v.

PHB DIE CASTING

Employer

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: Case No. 04-142E
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Deposition of CARI GOODWINE, taken before and by
Linda K. Rogers, Commissioner of Deeds in and for the
Commonwealth of Pennsylvania on Saturday, January 29,
2005, commencing at 10:16 a.m., at the offices of Knox,
McLaughlin, Gornall & Sennett, 120 West Tenth Street,
Erie, Pennsylvania.

For the Plaintiff:

Jeffrey A. Connelly, Esquire
824 Hilborn Avenue
Suite 1
Erie, Pennsylvania 16505

For the Defendant:

Richard A. Lanzillo, Esquire
Richard H. Zamboldi, Esquire
Knox McLaughlin Gornall & Sennett, P.C.
120 West Tenth Street
Erie, Pennsylvania 16501-1461

* * *

1 C A R I G O O D W I N E, first having been
2 duly sworn, testified as follows:

3
4 DIRECT EXAMINATION

5 BY MR. LANZILLO:

6
7 Q. Good morning, Mr. Goodwine. My name is Rich
8 Lanzillo. My firm represents PHB Die Casting in the lawsuit
9 you filed against it in the United States District Court for
10 the Western District of Pennsylvania. We scheduled your
11 deposition originally, I think for yesterday, we rescheduled it
12 for today so we could accommodate your work schedule. I
13 understand you are a new employee at General Electric?

14 A. Yes.

15 Q. Have you had your deposition taken before?

16 A. No.

17 Q. Let me tell you some ground rules before we get
18 started. Both my questions and your answers need to be taken
19 down by our court reporter, Linda, in order to insure that the
20 transcript is clear. It is important that you respond to all
21 of my questions verbally rather than with a nod of your head or
22 a shake of your head because Linda may miss that.

23 A. Okay.

24 Q. If you are going to answer one of my question in the
25 affirmative, I'd ask you to try and use the word yes as opposed

1 to um-hmm or in the case of no, unh-unh, because that could be
2 ambiguous on the record. Most importantly if at any time you
3 do not hear me clearly or you do not understand one of my
4 questions I will need you to let me know that so that I can
5 either repeat the question or rephrase it for you. If you
6 answer my question, I will assume that you both heard it and
7 understood it. Is that fair enough?

8 A. Yes.

9 Q. Would you state your full name.

10 A. Cari Matthew Goodwine.

11 Q. Where do you live?

12 A. 2905 Pennsylvania Avenue.

13 Q. How long have you lived at that address?

14 A. I believe since 2002, approximately October,
15 November.

16 Q. With whom do you reside at that address?

17 A. Barbara Schimp, S-C-H-I-M-P.

18 Q. What is Miss Schimp's relationship to you?

19 A. Fiancée.

20 Q. Does anyone else reside with you at that address?

21 A. Our children.

22 Q. How many children do you have?

23 A. My son, Tray Goodwine. I have my daughter that
24 comes over on the weekends, so that's Alyssa Goodwine.

25 Q. I'm sorry, Alyssa?

1 A. Alyssa, A-L-Y-S-S-A.

2 Q. Do you share custody of Alyssa?

3 A. Yes, but it's not on paper. We have a verbal
4 agreement that Alyssa whenever I'd like to pick her up or she
5 wants to come over it is fine. It is not a scheduled
6 visitation.

7 Q. How old is Tray?

8 A. Tray is ten months.

9 Q. Tray is your son with Barbara?

10 A. Yes.

11 Q. Alyssa, what is Alyssa's mother's name?

12 A. Kelly.

13 Q. Last name?

14 A. Rounds, R-O-U-N-D-S.

15 Q. Does Ms. Rounds reside in the Erie area?

16 A. Yes.

17 Q. Where does she live?

18 A. I would like to say 2056 Camphausen.

19 Q. That's Erie?

20 A. Yes.

21 Q. How old is Alyssa.

22 A. Eleven.

23 Q. Besides Tray and Alyssa, do you have any other
24 children?

25 A. No. Barbara has --

1 Q. Go ahead.

2 A. You asked about the other children in the house,
3 Barbara has two other children that reside in the home.

4 Q. What are their names and ages?

5 A. Katelynn.

6 Q. Same last name as Barbara?

7 A. As Barbara.

8 Q. Schimp. How old is Katelynn?

9 A. Eight.

10 Q. One more?

11 A. Yeah, Abigail.

12 Q. Her age?

13 A. Five. She has a son that is shared custody with the
14 dad.

15 Q. What's --

16 A. He does not reside full-time with us.

17 Q. What is the son's name?

18 A. Martin.

19 Q. How old is Martin?

20 A. Martin just turned 11 -- 10, pardon me, he will be
21 11.

22 Q. Have we now talked about everyone that resides with
23 you either permanently or --

24 A. Yes.

25 Q. -- periodically?

1 A. Yes.

2 Q. One other thing for Linda's benefit, you and I will
3 need to try to not talk at the same time because that is very
4 hard for her to transcribe. I will try to wait for you to
5 finish your answer, and if you could wait for me to finish my
6 question even though you may be anticipating what it is.

7 A. Okay.

8 Q. What is your date of birth?

9 A. July 19, 1970.

10 Q. Makes you age 34?

11 A. Yes.

12 Q. Have you ever been married?

13 A. No.

14 Q. So your first marriage will be to Barbara?

15 A. Yes.

16 Q. Have you ever been in the military?

17 A. No.

18 Q. Where did you attend high school?

19 A. East High School.

20 Q. When did you graduate?

21 A. 1988.

22 Q. I understand you went on to college?

23 A. Yes.

24 Q. Where did you go to school?

25 A. Mercyhurst.

1 Q. When did you start at Mercyhurst?

2 A. Fall of '88.

3 Q. Did you graduate?

4 A. No.

5 Q. How far did you go at Mercyhurst?

6 A. I left Mercyhurst winter/spring of '90. I was into
7 my second year.

8 Q. So you completed one year of college and you were
9 into your second year and at that point you decided to do
10 something else?

11 A. Yes.

12 Q. What were you studying?

13 A. I was looking at business administration, but I kept
14 my credits undeclared in case I wanted to do something else.

15 Q. Why did you decide to leave Mercyhurst?

16 A. Financial.

17 Q. By that I take it you mean too expensive, couldn't
18 afford to go?

19 A. Yeah. Financial, just trying to play sports and
20 keep up the grades and it wasn't all working.

21 Q. Did you have some trouble with academic eligibility?

22 A. Yes. Toward the end, yes.

23 Q. At that time you participated in a sport at
24 Mercyhurst?

25 A. In my freshman year.

1 Q. What sport was that?

2 A. Football.

3 Q. Did you lose eligibility at some point due to
4 academics?

5 A. No. I actually quit football before the academic
6 season. I didn't even complete the first season. It wasn't
7 what I wanted to do.

8 Q. Have you ever been a party to a lawsuit prior to
9 this one?

10 A. No.

11 Q. In other words, have you ever sued anyone or anyone
12 ever sued you?

13 A. As far as -- may I ask would being in an automobile
14 accident would that be?

15 Q. For purposes of the question that's currently on the
16 table, Mr. Goodwine, if you have been a party in a lawsuit,
17 including a lawsuit arising out of a motor vehicle accident,
18 either as a plaintiff or a defendant, so let me stop there.
19 Any type of lawsuit whether motor vehicle or anything else.

20 A. Yes.

21 Q. That lawsuit was it filed in state court or federal
22 court?

23 A. I'm not sure.

24 Q. Do you know whether it ever became a lawsuit or was
25 it simply a claim?

1 A. No, just a claim.

2 Q. Do you recall who represented you in that lawsuit?

3 A. I can tell you where his office is. I can't
4 remember the name. He's right next to the courthouse.

5 Q. Scarpitti?

6 A. Yes.

7 Q. When was that motor vehicle accident that gave rise
8 to that claim?

9 A. I believe -- I'm not sure. I'm trying to remember
10 it, in '99.

11 Q. Was that claim settled?

12 A. Yes.

13 Q. Do you recall the name of the defendant in that
14 lawsuit?

15 A. No.

16 Q. I take it you were the plaintiff?

17 A. Yeah -- yes.

18 Q. Do you recall the terms of the settlement? Were you
19 paid compensation for injuries?

20 A. Yes.

21 Q. Do you recall what you were paid?

22 A. No, not exactly.

23 Q. Do you recall anything generally in terms of the
24 range?

25 A. I would like to say it was about 5,000, if not a

1 little less or more. I can't exactly remember. It wasn't
2 substantial.

3 Q. What type of injuries did you sustain in that
4 accident?

5 A. Neck and back.

6 Q. Other than the present lawsuit and the claim you had
7 arising out of the 1999 motor vehicle accident, have you ever
8 been a party to any other lawsuit or claim?

9 A. No. I have a current claim ongoing right now.

10 Q. Against whom?

11 A. McCormick relating from a vehicle accident.

12 Q. When you say McCormick, is that the name of the
13 other party?

14 A. I believe that is the name of the construction
15 company that was liable for the road area.

16 Q. Is that the same event that gave rise to the 1999
17 claim?

18 A. No, sir.

19 Q. This is different?

20 A. Yes.

21 Q. What event gave rise to your claim against
22 McCormick's Construction?

23 A. I had a vehicle accident with the area of them doing
24 construction on the road in front of my sister's house.

25 Q. When was this, when did that occur?

1 A. This is 2005, 2003, July.

2 Q. July. So there is some sort of a defect in the road
3 and it caused an accident?

4 A. They restripped the road leaving the manhole covers
5 extended out of the ground and the sewers and no markings, no
6 lights, no flashing light, no nothing, and I hit one of them at
7 night.

8 Q. Did you sustain injuries in that accident?

9 A. Yes.

10 Q. What was the nature of the injuries?

11 A. My lower back.

12 Q. Are you represented by counsel in that case?

13 A. Yes.

14 Q. Who represents you in that case?

15 A. Alan Natalie.

16 Q. Has a lawsuit been filed or is it simply in the
17 claims stage?

18 A. Nothing has been filed, it's just been in the claim
19 stage for the last two years.

20 Q. Other than the present lawsuit, the claim arising
21 out of the motor vehicle accident in 1999, and the claim
22 relating to the incident that occurred in July of 2003,
23 Mr. Goodwine, have you been a party to any other claim or
24 lawsuit?

25 A. Nothing that I can remember at this time.

1 Q. If you think of something else as we go along, just
2 let me know. Okay?

3 A. Sure.

4 Q. Other than the education you received post high
5 school at Mercyhurst College do you have any other education?

6 A. No.

7 Q. Have you ever had a workers' compensation claim?

8 A. When you say claim, are you meaning being paid from
9 an injury or actually filing a claim because as a result of
10 getting hurt at work?

11 Q. Anything that you submitted either for the payment
12 of medical bills or for lost wages arising out of a
13 work-related injury?

14 A. I have been injured at work, but all injuries I
15 returned to work with.

16 Q. I will tell you what, I will defer those questions.
17 I am going to get into your employment history, so as we go
18 through those I will ask you about any workers' comp. claims
19 you may have had. Where did you work immediately before you
20 started at PHB?

21 A. International Paper.

22 Q. Do you recall when you worked at IP?

23 A. I was hired May 6, 1993.

24 Q. When did you leave IP?

25 A. February of 2000.

1 Q. Why did you leave IP in February of 2000?

2 A. I took the job with PHB.

3 Q. What did you do at International Paper; what was
4 your position?

5 A. I had several. Worked in the paper mill, paper
6 machines.

7 Q. I thought I saw a reference to a causticizing
8 helper?

9 A. That was my last duty. I was what you would call a
10 blender helper, worked with dyes and color operator. My last
11 job was the causticizing helper in the pulp mill.

12 Q. Do you recall what you were making when you left IP?

13 A. Not exactly, the rates changed per shift. It was, I
14 would like to say, approximately between \$14 an hour, from \$13
15 to \$15 an hour range.

16 Q. While you were at International Paper, did you
17 submit any workers' compensation claims?

18 A. Nothing that I can recall at this time.

19 Q. Did you have any type of an injury to your shoulder
20 while you were at International Paper, your left shoulder?

21 A. I could have, it's been so long.

22 Q. While you were at International Paper, were you ever
23 disciplined for misconduct, reprimanded, suspended, any type of
24 discipline?

25 A. No.

1 Q. Did you ever submit a grievance for any reason while
2 you were at IP?

3 A. None that I can remember.

4 Q. Did you ever submit any claim of any nature against
5 International Paper for any reason?

6 A. No.

7 Q. Let's work backward from International Paper. You
8 indicated that you started there in May of 1993?

9 A. Yes.

10 Q. Where did you work before IP?

11 A. Printing Concepts.

12 Q. What did you do there?

13 A. I was hired as a utility worker, shipping,
14 receiving.

15 Q. How long did you work at Printing Concepts?

16 A. I have to go backwards. Not even a year from -- I
17 left Printing Concepts and immediately took the Hammermill job.
18 I started at Printing Concepts the August of the previous year
19 which would have been '92.

20 Q. You worked there until joining --

21 A. Yes.

22 Q. -- International Paper.

23 A. Straight to International Paper.

24 Q. Do you recall where you worked prior to Printing
25 Concepts?

1 A. Yes.

2 Q. That was at First National Bank?

3 A. First National Bank.

4 Q. What did you do there?

5 A. I was a purchasing clerk in the purchasing
6 department. My job was to shred confidential documents,
7 checks, returned checks, cashier checks, any type of credit
8 cards, MAC cards, personal checks that had the wrong account
9 number or discontinued.

10 Q. How long did you work at FNB?

11 A. From January of 1990 until I went directly to
12 Printing Concepts due to merger.

13 Q. Your position was eliminated at the bank?

14 A. Yes.

15 Q. Where did you work prior to First National Bank, if
16 anywhere?

17 A. Part-time through the John F. Kennedy Center.

18 Q. What did you do?

19 A. Janitorial, I did cleaning, lunch program,
20 landscaping.

21 Q. Do you recall when you started your employment at
22 PHB?

23 A. Yes.

24 Q. When was that?

25 A. March of 2000.

1 Q. When did you leave PHB?

2 A. July of 2004.

3 Q. Where did you go after you left PHB?

4 A. Sheet Metal Workers Local 12, and that's in
5 Pittsburgh, PA.

6 Q. You relocated to Pittsburgh for a period of time?

7 A. I had been traveling back and forth.

8 Q. You maintained your residence in Erie and worked
9 primarily in Pittsburgh?

10 A. The work was in Spartansburg and Erie. I was
11 required to travel to Pittsburgh approximately every six to
12 seven weeks for one week of training.

13 Q. What type of training did you receive in Pittsburgh?

14 A. Sheet metal, duct work, welding and drafting.

15 Q. Would I be correct that as part of your employment
16 with the sheet metal workers you were engaged in training to
17 add additional skills, improve your current skills?

18 A. Yes.

19 Q. Were you paid during the training phase?

20 A. Unemployment. We have to file during that time if
21 we are not working.

22 Q. When you're not placed on a specific job, you
23 received unemployment?

24 A. Yes.

25 Q. Or at least you file for it?

1 A. Yes.

2 Q. You say you worked in Spartansburg in Erie?

3 A. Spartansburg is right outside of Titusville.

4 Q. And also in Erie, what were you doing in
5 Spartansburg?

6 A. We worked on the elementary school.

7 Q. What about Erie?

8 A. In Erie I have been at various job sites.

9 Q. What was your rate of pay?

10 A. 12.36 an hour.

11 Q. Did that increase over time?

12 A. No. It would gradually increase over the four-year
13 apprenticeship due to contract wages.

14 Q. I understand that you recently joined G.E.
15 Transportation.

16 A. Yes.

17 Q. Doing what?

18 A. In a grinder position, metal fabrication, metal
19 prep.

20 Q. Is that a position where you are using some of the
21 skill you developed with the sheet metal workers?

22 A. No, that's not allowed.

23 Q. I don't understand your answer.

24 A. Under the sheet metal apprenticeship you are under
25 contract. You cannot gain skills from them and then transfer

1 them to another job or you are liable, subject to fines.

2 Q. Well, what do you do at G.E. Transportation
3 specifically in the area of metal fabrication?

4 A. I am currently training for shot blasting.

5 Q. I'm sorry, shop blast?

6 A. Shot blasting.

7 Q. What is that?

8 A. Where you use shot blast machine to clean rails.

9 Q. What is your rate of compensation at G.E.
10 Transportation?

11 A. \$20.55 an hour.

12 Q. Why did you leave the sheet metal workers position?

13 A. Due to being laid off half the time and the rate of
14 pay.

15 Q. You joined the sheet metal workers in July of 2004,
16 and you were with them until just recently, correct?

17 A. Yes.

18 Q. How often were you laid off during that time?

19 A. From September of 2004 up until now.

20 Q. So between September '04 and joining G.E. you
21 weren't actively at work?

22 A. No.

23 Q. Did you receive unemployment compensation benefits
24 during that time?

25 A. Yes.

1 Q. Why did you leave PHB?

2 A. I left PHB due to the circumstances that arised from
3 me filing the federal lawsuit.

4 Q. What circumstances are those?

5 A. Constant harassmt, constant stress, constant
6 humiliation, pressure, a lot of things. Conditions worsened
7 for me after everything was filed.

8 Q. I will come back to that. Your employment at G.E.
9 is full-time?

10 A. Yes.

11 Q. In connection with your departure from PHB did you
12 file any type of a new charge at the EEOC or with the
13 Pennsylvania Human Relations Commission?

14 A. Regarding to?

15 Q. Regarding the constant harassmt, stress, pressure
16 and worsened conditions that you --

17 A. I have the papers but they haven't yet been filed.

18 Q. I want to get into some of your other employment
19 background and health and medical history. Before I do that,
20 though, I want to ask you, Mr. Goodwine, are you familiar with
21 a Mr. Ron Sayers at PHB?

22 A. Yes.

23 Q. Do you recall having any type of conversation with
24 Mr. Sayers regarding David Woodard and the claim that he was
25 asserting against the company?

1 A. Am I allowed to speak on behalf of another person
2 that has a lawsuit?

3 Q. Well, I will tell you that I am not asking you to
4 speak on behalf of anyone else, I'm asking about a
5 conversation, whether it took place or not.

6 A. If you can be more specific because there were
7 several conversations where I had people ask me different
8 questions about David or --

9 Q. First of all, who is Mr. Sayers?

10 A. Ron Sayers, he was my shop floor supervisor.

11 Q. For purpose of the record who is David Woodard?

12 A. David Woodard was also an employee.

13 Q. How long have you known Mr. Woodard?

14 A. I have known Mr. Woodard since I was about five, six
15 years old.

16 Q. Did you grow up together?

17 A. He grew up with my older brother.

18 Q. The conversation I am interested in would have
19 followed shortly after Mr. Woodard had a meeting with
20 representatives of PHB. I believe possibly Pat Camp,
21 Mr. Bible, Mr. Sayers and, of course, Mr. Woodard, and an
22 inquiry I believe you might have commented to Mr. Sayers
23 regarding statements or positions that may have been attributed
24 by Mr. Woodard to you. Does that refresh your recollection or
25 focus you in on what I'm talking about?

1 A. Somewhat.

2 Q. What do you remember from that conversation?

3 MR. CONNELLY: The problem with that is
4 attorney-client privilege. We have discussed this
5 conversation.

6 Q. Was Attorney Connelly there?

7 MR. CONNELLY: No. We discussed this conversation
8 after it took place.

9 MR. LANZILLO: That doesn't shield a conversation
10 from disclosure.

11 MR. CONNELLY: A conversation took place, but the
12 details were discussed with me.

13 Q. Do not disclose to me conversations between you and
14 your counsel. I'm really not interested in what transpired
15 between you and your counsel. What I want to know is what was
16 discussed between you and Mr. Sayers.

17 A. The one meeting that I can recall where I did speak
18 to Mr. Sayers about Mr. Woodard was when I was a new employee.
19 I don't know what transpired with Mr. Woodard and Mr. Sayers
20 before I was presently employed there, but it was brought to my
21 attention that Mr. Woodard was speaking on behalf of all
22 minorities regarding treatment.

23 Q. Okay.

24 A. And me being a new employee it was brought to my
25 attention that he was speaking on my behalf as well. And at

1 that point I did speak to Mr. Sayers and let Mr. Sayers know me
2 being a new employee if I ever have a problem I would not send
3 Mr. Woodard or anyone else to speak on my behalf. I would come
4 to you myself directly. Whatever Mr. Woodard is speaking to
5 you about whatever happened, does not have nothing to do with
6 me at this point because nothing had.

7 I was a new employee and Mr. Woodard did not address
8 going in there saying he's speaking on behalf of me or anyone
9 else he was speaking of. And I let Mr. Sayers know if there is
10 ever a problem with me, or ever anything I need to say, you're
11 going to hear it from me first. You're not going to see Mr.
12 Woodard speaking on my behalf or anyone else. So that is the
13 context of what I can remember speaking to Mr. Woodard -- about
14 Mr. Woodard.

15 Q. Did you tell Mr. Sayers that you didn't want David
16 Woodard speaking or complaining on your behalf?

17 A. Yes, in the context of what I mean by I will be the
18 one to speak on my behalf because only I can address how I am
19 feeling and what I'm feeling and let him know personally. I
20 would never send anyone else to address any issues concerning
21 me. And me being a new employee he needed to know that himself
22 as my supervisor.

23 Q. Did you tell him that you did not have a problem
24 with Mr. Sayers or with the company at that time?

25 A. No, I didn't. I was a new employee. I hadn't even

1 been there six months. I was still under probation.

2 Q. You didn't say words to the effect that, hey, I
3 don't have a problem with you or I don't have a problem with
4 the people here and if I do I will tell you?

5 A. Yes. I was a new employee. I explained exactly I
6 will be the first to tell you if there is anything wrong with
7 me, if I have a problem with someone. You won't hear it from
8 someone else, you'll hear it from me.

9 Q. Did you comment at all about your impression or
10 assessment of Mr. Woodard's prior behavior as far as his
11 approach to life and how he approached employment?

12 A. I may have.

13 Q. What is your best recollection of what you said?

14 THE WITNESS: Can I elaborate?

15 MR. CONNELLY: Yes.

16 A. He asked me, he said, I heard, you know, he knew
17 about did I know David outside of PHB, and I told him yes. I
18 basically known him from growing up with my older brother. And
19 I basically, you know, had an opinion on how he was outside of
20 PHB. And that was in the conversation with Ron as far as if
21 anyone is going to speak for me it's going to be me. I said, I
22 don't know what David is up here for as much for his own
23 selfish intentions because if you're going to address
24 supervisors about other coworkers and you don't address the
25 coworkers -- you don't tell the coworkers that you are supposed

1 to be defending, those are selfish reasons. I told him he has
2 always been that way; he thinks about himself first. And
3 saying that, meaning he is in there speaking on my behalf and I
4 don't have a clue, I don't like that. I don't care who it is.
5 You don't speak for me on my behalf without first consulting me
6 and telling me because that puts me in a situation and I have
7 to explain to Ron why this person is saying what they are
8 saying if I didn't say it.

9 Q. Did you comment to Ron Sayers words to the effect
10 that during his whole life David has always been looking for
11 the easy way or the easy way out?

12 A. No, I don't remember that. I don't recall saying
13 that.

14 Q. You don't remember one way or the other?

15 A. I don't believe I said that. Everything else that I
16 just said to you I can recollect saying.

17 Q. You believe this conversation was about six months
18 into your employment?

19 A. I am trying to -- I believe so because I was fairly
20 new from what I can recollect. I was fairly new when that
21 conversation was with Ron because I needed to address Ron and
22 let him know that since I am a new employee he did not know me
23 personally, we had not had many conversations, and I wanted to
24 let him know what character that I am, that I would be the one
25 to speak on my behalf, not anyone else. But, I mean, I can't

1 pinpoint the exact date of the conversation with Ron as far as,
2 I mean, me being there for those four years.

3 Q. You do think it was some time in the year 2000?

4 A. I know, I mean, I can't say I know, I believe it was
5 in the beginning of my employment when I was fairly new.

6 Q. Was anyone else around for that conversation or was
7 it just you and Ron?

8 A. Yes.

9 Q. Just you and Ron?

10 A. When I spoke to Ron, yes.

11 Q. No one else present?

12 A. I don't believe so.

13 Q. Your title at PHB, was that as a die cast production
14 operator?

15 A. Yes.

16 Q. Did you hold any other titles during your
17 approximately four years you worked at PHB?

18 A. Yes.

19 Q. What were your other titles?

20 A. The exact title I was in the washer, which is in
21 trim, in the trim utility department.

22 Q. Any other positions that you can recall?

23 A. No. Maintenance utility, but that was a temporary
24 move.

25 Q. During the course of your employment, to the best of

1 your recollection, you would at one time or another have held
2 three separate job titles, die cast production operator,
3 washer/trim utility department person and the number three,
4 maintenance utility worker?

5 A. Yes.

6 Q. Do you remember when you were in the temporary
7 position as a maintenance utility worker?

8 A. It was during the course of my first year of
9 employment.

10 Q. When did you work in the trim utility department?

11 A. That was a position I held the last, I would like to
12 say, three months' prior to leaving PHB.

13 Q. For the balance of your employment, to the best of
14 your recollection, you were a die cast production operator?

15 A. Yes.

16 Q. What were your responsibilities as a die cast
17 production operator?

18 A. To run the die cast machine and produce parts.

19 Q. Can you describe the die cast machine?

20 A. As far as physical description?

21 Q. Yes.

22 A. They all vary.

23 Q. Well, what is its function, how does it produce
24 parts?

25 A. You have a melting pot which is usually located at

1 the front of the machine with the molten aluminum.

2 Q. Okay.

3 A. You have a ladle that dips into the pot that carries
4 the metal to the ram sleeve.

5 Q. So there is a ram sleeve?

6 A. Yes. That's where the metal is poured. The machine
7 opens up and you have a front half and a back half on the die.

8 Q. Then you have a die with a front half and back half?

9 A. The back half is connected through hydraulics. You
10 have an extractor that takes the parts out once they are
11 produced. Generally you have a conveyor belt which brings the
12 parts down to you when they are cool, that's where the parts
13 cool.

14 Q. Is there, what, a cycle time for each part?

15 A. Generally, yes.

16 Q. Molten aluminum from the melting part is moved by
17 the ladle and goes down the ram sleeve?

18 A. It's poured into the ram sleeve as the die is
19 closed. When the metal is poured into the sleeve the ram
20 shoots metal into the closed die and it fills the die cavity.
21 After the cycle time it gives the part time to cool. The die
22 opens up, the extractor takes the part out and drops it on the
23 conveyor which eventually comes down to the worker on that
24 machine.

25 Q. Are these separate parts, the melting pot, the

1 ladle, the ram sleeve?

2 A. Separate components that work together, they are
3 intertwined, but they are but separate.

4 Q. How is heat generated for the meeting pot?

5 A. I believe, I'm not in maintenance so I can't give
6 you exact detail, it is somewhat of an insulated furnace. I've
7 seen one taken a part where it's almost like a furnace, it's
8 heated through. I am not sure if it's a natural gas or
9 electricity.

10 Q. You're not particularly familiar with exactly how
11 that works?

12 A. I am not particularly sure because I'm not in
13 maintenance. It wasn't our job to take those a part. I know
14 that they do bring -- the metal men continuously bring you hot
15 metal which is heated from their furnaces. They constantly
16 pour continuously throughout the shift to ensure you have hot
17 metal.

18 Q. Is there a particular area of the plant where the
19 die cast machines are located?

20 A. When you say that you mean --

21 Q. Can you describe the layout of the plant. I have
22 not personally had a chance to observe it so tell me how the
23 place is set up.

24 A. Once you enter the main building, the center of the
25 building where employees punch in and out, you walk down the

1 center aisle that's usually the trim department. You have the
2 front offices on the south side of the building.

3 Q. Okay.

4 A. The zinc die cast is located on the southwest end of
5 the building. You have the inspection department, which is
6 located between zinc and aluminum, so the north side of the
7 building is mainly die casting and the northwest wall is
8 maintenance department. And you have shipping and receiving,
9 which is on the northeast wall, which is in the new addition
10 that they built

11 Q. During the course of your employment you would have
12 worked in, what, the trim department and, of course, the area
13 where the die casting takes place; is that correct?

14 A. Yes, aluminum and zinc.

15 Q. Aluminum and zinc. Any other areas of the plant
16 where you worked?

17 A. Sporadically in the tool crib.

18 Q. What is the tool crib?

19 A. It's where you get supplies, safety glasses, nuts,
20 bolts, wrenches, rags.

21 Q. When you were working in the tool crib, what was
22 your title, were you die cast operator?

23 A. You kept your title and you were just there on a
24 temporary basis to fill-in.

25 Q. As far as work assignments, how were they assigned,

1 was it by seniority?

2 A. No.

3 Q. Do you know what the collective bargaining agreement
4 provides for in terms of assignments?

5 A. No. Assignments were given per supervisor or
6 foreman in charge of that shift.

7 Q. Did you ever submit any grievance while you were at
8 PHB?

9 A. No. Well, yes. Grievances as far as S&A and things
10 of that matter.

11 Q. So you submitted a grievance regarding sick and
12 accident benefits?

13 A. Yes.

14 Q. Other than sick and accident benefits, did you
15 submit any other grievances during the course of your
16 employment?

17 A. I believe one was filed on behalf of the attendance
18 policy. I can't say for sure because I've never signed any
19 documents for grievances. When a grievance was filed or going
20 to be filed, it was always brought to your attention from
21 Mr. Bible or the union steward that we found out about a matter
22 per se and we're filing a grievance on your behalf or other
23 employees behalf, but nothing was ever physically signed.

24 Q. Did you ask Mr. Bible to pursue a grievance on your
25 behalf regarding the attendance issue?

1 A. I asked Mr. Bible to look into the attendance policy
2 and do what was necessary to find out, rectify the situation on
3 my behalf.

4 Q. Does the fact that you never signed anything
5 indicate to you that Mr. Bible and the union elected not to
6 pursue a grievance with respect to that issue?

7 A. Could you please repeat that.

8 Q. I'll rephrase it. To the best of your knowledge, no
9 grievance was ever filed on your behalf with respect to the
10 attendance issue; isn't that correct?

11 A. That's a possibility, that's a possibility without
12 me ever seeing it physically or signing anything.

13 Q. You have no knowledge of a grievance being filed on
14 your behalf with respect to the attendance issue; is that fair?

15 A. I was only going by what I was told. The union
16 president said he filed a grievance, that's what I go by.

17 Q. Who told you that?

18 A. Greg Bible.

19 Q. He told you a grievance was submitted with respect
20 to the attendance issue?

21 A. Yes.

22 Q. Did you ever follow up to see what happened to the
23 grievance, assuming it was submitted?

24 A. Yes. I have always followed up verbally on
25 everything and I never got any answers on any of those issues.

1 Q. I take it you followed up with your union on that
2 issue?

3 A. Yes.

4 Q. And who specifically did you talk to in following up
5 on the grievance that you thought was filed?

6 A. Greg Bible.

7 Q. What did he tell you when you followed up?

8 A. That the matter is being looked into. There were
9 other grievances, other people that they were also looking into
10 filing for in regards to attendance.

11 Q. Did he tell you he was looking into filing a
12 grievance, evaluating whether one was appropriate, or one had
13 actually been filed?

14 A. Both.

15 Q. In the end you really have no idea what happened to
16 that issue with the union?

17 A. No.

18 Q. What is your understanding as to what typically
19 happened after the grievance is filed?

20 A. I'm really not sure because I've never had to file
21 anything. I didn't really understand the wait period or what
22 their process is about going about bargaining or having
23 meetings for those things, those matters.

24 Q. You are a member of the union the United Steel
25 Workers of America, you were at the time at least?

1 A. Yes, I was.

2 Q. Did you ever submit any workers' compensation claim
3 while you were employed at PHB?

4 A. I believe so, yes. I can't remember for what
5 incidence exactly.

6 Q. What do you remember about the claim; was it for an
7 injury?

8 A. For my wrist, for my arm, that's all I can recollect
9 offhand.

10 Q. Is that a single claim the wrist injury and the arm?

11 A. Two separate incidents.

12 Q. Obviously because you are submitting a workers'
13 comp. claim it was your belief that you had sustained a
14 work-related injury?

15 A. Yes.

16 Q. Do you recall when you sustained those injuries?

17 A. For my wrist, I believe it was early in my
18 employment.

19 Q. What about the arm?

20 A. It was in December of 2003.

21 Q. Other than the wrist injury and the arm injury are
22 those the only two work-related injuries or conditions that you
23 can recall while you worked at PHB?

24 A. That I can recollect at this time.

25 Q. Those are the only two instances where you claimed

1 to have sustained a work-related injury; is that correct?

2 A. Yeah, that I can recollect.

3 Q. In fact, those are the only two instances where you
4 sustained a work-related injury, there is nothing else that you
5 are forgetting?

6 A. Not that I can recollect.

7 Q. I'm going to ask you some questions about your
8 medical history and health background. I believe you talked
9 about International Paper whether you recalled a work-related
10 injury there. We talked about PHB, you've identified what you
11 recall as two work-related injuries. Can you think of any
12 other work-related injuries that you sustained in any job?

13 A. I can -- I'm trying to remember. I believe I have
14 injured my knee.

15 Q. Where did you injure your knee?

16 A. I would like to say International Paper. All the
17 jobs that I have are physical jobs, so I have sustained bumps
18 and bruises here and there but nothing serious.

19 Q. Anything that required treatment?

20 A. Treatment as far as?

21 Q. Medical treatment, going to see a doctor, going to
22 the hospital, physical therapy, anything like that?

23 A. PHB I do recall going to get metal taken out. I
24 don't know if it was -- I can't remember if it was my hand, and
25 receiving a tetanus shot.

1 Q. Anything else you can think of?

2 A. Not at this time.

3 Q. Did you have a series of motor vehicle accidents
4 prior to joining PHB where you sustained injuries?

5 A. Yes.

6 Q. What is the first motor vehicle accident you can
7 recall?

8 A. I would like to say it was in '98 or '99. I had an
9 accident with a deer.

10 Q. When is the next accident, motor vehicle accident
11 that is, that you can recall?

12 A. I'm getting my dates mixed up. I am overlapping
13 both accidents. The accident with the deer was first. The
14 second motor vehicle accident was I was involved in a hit and
15 run that I was represented by Scarpitti. And the third was in
16 2003.

17 Q. Did you have one in -- I'm trying to refresh your
18 recollection -- do you recall sustaining neck injuries in
19 October of 1999 in a motor vehicle accident?

20 A. Yes.

21 Q. Do you recall sustaining injuries in another motor
22 vehicle accident in July of 2000?

23 A. July of 2000. Yes, sir, that's where the accidents
24 I am overlapping, I am thinking about the two.

25 Q. So the 1999, was that hit and run?

1 A. '99 -- I need a moment just to think to clarify. I
2 was at International Paper working when I was involved in the
3 hit and run. I apologize, I'm just trying to --

4 Q. That's all right. Let me see if I can help you
5 here. The hit and run, did they identify the other driver?

6 A. Yes.

7 Q. That's the accident where Bill Scarpitti represented
8 you as your counsel in the claim that we discussed early in
9 your deposition?

10 A. Yes.

11 MR. CONNELLY: That was the deer -- I'm kidding.

12 Q. Do you know whether there was a claim arising out of
13 the accident in July of 2000?

14 A. July of 2000.

15 Q. Well, if something comes to you during the
16 deposition let me know. Let me ask you this, though, in
17 connection with any one or more of those accidents do you
18 recall whether you claimed that you had sustained not only some
19 trauma to your neck and back but also were having trouble with
20 tension and sleeplessness, some emotional issues arising out of
21 those accidents?

22 A. Please rephrase that.

23 Q. Did you claim that you had sustained conditions
24 resulting in tension, sleeplessness, emotional disturbance in
25 connection with any of the motor vehicle accidents?

1 A. Sleeplessness, yeah, because it's hard -- when
2 you're in an accident, it's hard to adjust to sleep because you
3 are in pain.

4 Q. What about tension and anxiety, things of that
5 nature, do you recall whether you made claims based on those
6 conditions?

7 A. I may have.

8 Q. Did you, in fact, experience tension and anxiety or
9 any other emotional disturbance arising out of any of those
10 accidents?

11 A. The fear of being in an accident as far as anxiety
12 after being in several accidents that aren't your fault, yeah.
13 I wanted to ask you July of 2000 is that -- when you say motor
14 vehicle accident, are you asking accident or a claim?

15 Q. I was referring to an accident. The reason I asked
16 the question is I saw a reference to a motor vehicle accident.

17 A. I'm fighting that because I've have never -- the
18 only accident I have ever been in that I can truly recollect
19 and I remember a lot, was in July was recently in 2003. The
20 accident I did have with the deer was right after Christmas in
21 the winter in December.

22 Q. Tell me about the accident that occurred in 2003,
23 July of 2003.

24 A. Okay.

25 Q. Go ahead.

1 A. I was visiting my sister, and I explained to you
2 that they --

3 Q. That's the one with McCormick then, I won't make you
4 repeat that.

5 A. Would you like me to or --

6 Q. No, no, that's all right. Did you claim to sustain
7 sleeping problems, tension, irritability, things of that nature
8 in connection with that accident?

9 A. Yes.

10 Q. Did you, in fact, sustain conditions that resulted
11 in tension, irritability, sleep problems?

12 A. Yes.

13 Q. How about headaches, did you sustain headaches as a
14 result of that accident?

15 A. Yes.

16 Q. Did you have problems with headaches after any of
17 the prior accidents?

18 A. Yes.

19 Q. Would it be fair to say that over the years since
20 your initial accident in 1999 that headaches have been a
21 periodic problem for you?

22 A. Not all the time.

23 Q. Do you have any chronic health problems?

24 A. As far as?

25 Q. For example, hypertension, high blood pressure,

1 things of that nature?

2 A. Hypertension.

3 Q. When were you first diagnosed as having
4 hypertension?

5 A. I'm not sure exactly.

6 Q. More than five years?

7 A. No.

8 Q. Was it before you joined PHB?

9 A. No.

10 Q. Do you take my medication for your hypertension?

11 A. Yes.

12 Q. What do you take?

13 A. Lotrel.

14 Q. How long have you taken Lotrel?

15 A. I am not sure exactly because it -- I was -- the
16 doctor had me on a lower and that was raised. That's a higher
17 strength, I do not have the exact dates.

18 Q. You indicated that your prescription changed but --

19 A. I was originally started when the hypertension was
20 discovered I was put on Norvasc when that did not help and it
21 just increased with what was going on. I changed
22 prescriptions.

23 Q. Who put you on Norvasc?

24 A. Sally Scholl.

25 Q. Is she a nurse?

1 A. Nurse practitioner, yes.

2 Q. Where does she work?

3 A. Community Health Net.

4 Q. Who was your family physician?

5 A. Dr. Anthony Snow.

6 Q. How long has Dr. Snow been your family physician?

7 A. Dr. Snow has treated me for physicals and treatment
8 since I can recollect since middle school.

9 Q. Is that also through Community Health Net?

10 A. Yes.

11 Q. When you take your medication, either the -- when
12 you take your Lotrel, do you find it controls your high blood
13 pressure?

14 A. Yes.

15 Q. If you fail to take it regularly, do you find your
16 blood pressure problem recurs?

17 A. Yes.

18 Q. Have your doctors or nurse practitioners told you
19 about the importance of taking your high blood pressure
20 medication?

21 A. Yes.

22 Q. Any other chronic conditions like high blood
23 pressure that you've experienced over the years?

24 A. Repeat that, please.

25 Q. Do you have any other chronic medical conditions?

1 A. That I seek treatment for?

2 Q. Whether you seek treatment for them or not.

3 A. No. I have had problems with the back, but that's
4 something I seek treatment for on my own.

5 Q. Are those conditions arising out of the motor
6 vehicle accidents we've talked about?

7 A. Yes.

8 Q. Are you aware of any other medical or physical
9 conditions that have resulted in any limitations on your
10 activities or any disabilities on your part, other than what --

11 A. Suffer from --

12 Q. Anything. Other than what we talked about, do you
13 suffer from any other injuries or conditions that have the
14 effect of limiting your activities or otherwise disabling you
15 in any way?

16 A. Resulting from what? What are you asking, from
17 motor vehicle accidents?

18 Q. Anything, anything.

19 A. From employment at PHB?

20 Q. Anything.

21 A. Yeah, there's a lot.

22 Q. Well, I'm all ears. Go ahead.

23 A. I have had a problem with adjusting at home. I have
24 had problems with adjusting in relationships as far as
25 friendships, current, past and new. I have had stress,

1 continuous stress, mental, physical. It's documented my weight
2 goes up, down, up, down, that's from not eating regularly, not
3 exercising regularly, I mean from not being able to live a
4 normal lifestyle.

5 Q. Anything else?

6 A. We could sit here for a longtime. I mean there's --
7 I mean emotional. Like right now I am trying to find the words
8 to start --

9 Q. You mentioned adjusting, what do you mean by
10 adjusting?

11 A. I need a moment.

12 (Brief recess.)

13 MR. LANZILLO: Anytime you need a break that's fine.
14 Back on the record.

15 Q. Let me move to another topic for a few minutes and
16 we will come back to that. You started your employment,
17 Mr. Goodwine, in or around March of 2000; is that correct?

18 A. Yes.

19 Q. And do you have a recollection or a sense of how
20 much work you missed at PHB after you started for any reason?

21 A. I don't know the number of days exactly, but due to
22 the injuries that I just sustained from the automobile accident
23 I had never -- I hadn't taken time off from that accident.
24 When I was at International Paper, I hadn't taken much time to
25 recover from the job that I was doing at International Paper at

1 the time wasn't as physical, but when I started PHB the job
2 that I was doing at PHB resulted in aggravation of those
3 injuries from the accident prior to me starting. So I had
4 missed a couple months right in the beginning right after I was
5 hired. The doctor advised me that the job that I had just
6 taken at PHB was aggravating those injuries because I didn't
7 take the proper healing time in the beginning.

8 Q. For example, reviewing records it appears that
9 between May of 2000 and December of 2000 you were absent on 96
10 scheduled work days.

11 A. May of?

12 Q. May of 2000, which would have been the year that you
13 joined PHB, and the end of that year, December --

14 A. Yeah.

15 Q. -- looks like you missed about 96 scheduled
16 workdays; does that sound about right to you?

17 A. That is the time that the doctor wanted me to take
18 off. And he wanted to put me on restrictive duty. I was not
19 granted any type of light-duty work, I was denied that.

20 Q. Do you know whether light-duty work was available?

21 A. Yeah. We have a light-duty program, that was part
22 of my appeal.

23 Q. Which appeal was that?

24 A. That was the appeal through the referee's
25 unemployment compensation office in 2000, I think it was 2000

1 and 2001 because they tried to deny the unemployment and they
2 tried to deny the S&A.

3 Q. Then in 2001 you were absent for, what, about 51
4 days?

5 A. I am not sure of the exact count of any of the days.

6 Q. It was a significant number in 2001 as well.

7 A. 2001 I may have been involved in one other layoff.

8 Q. I am talking about medically related or claims of
9 medically related days.

10 A. It is possible because I continued to treat for my
11 back. Even when I went back to work there were days, depending
12 on which job or machine they put me on, that would aggravate my
13 back more than others. And it was physically impossible for me
14 to do the job correctly.

15 Q. How about 2002, it appears you missed about 103
16 scheduled workdays in 2002. Is that consistent with your
17 recollection?

18 A. That could be correct. I don't have the exact
19 dates, I mean I can't deny or verify.

20 Q. In 2003 do you recall there came a point in time
21 when you went on sick leave on or about April 16, 2003 and
22 remained on sick leave until about May 12, 2003?

23 A. I took family leave.

24 Q. Okay.

25 A. My son was born premature, two months premature

1 March 23rd.

2 Q. You think that's in 2003?

3 A. No. My son was born 2004, I'm sorry. 2003, that's
4 after the fact -- give me the exact dates again.

5 Q. April 16th, 2003 through May 12th, 2003 do you
6 recall being --

7 A. There was a time my doctor took me off in 2003 as a
8 result of the uncontrolled hypertension.

9 Q. Which doctor was that, by the way?

10 A. Sally Scholl.

11 Q. But Sally Scholl is not a doctor, is she?

12 A. She has been treating me in place of my doctor
13 Anthony Snow for the past two years due to his enlisted
14 service, enlisted in Iraq.

15 Q. My question was: Sally Scholl is not a doctor, is
16 she? She's a nurse practitioner.

17 A. Yes, yes.

18 Q. You told me that earlier.

19 A. Yes.

20 Q. When we talked about the time you missed in 2000,
21 2001 and 2002, was that also Sally Scholl who was taking you
22 off work during those periods?

23 A. No.

24 Q. Who took you off work in the earlier years?

25 A. Dr. Brian Miller.

1 Q. Who is Dr. Miller?

2 A. Dr. Miller is my chiropractic doctor through
3 Battersby.

4 Q. Was it Dr. Miller that took you off for each period
5 of absence in 2000, 2001, 2002?

6 A. Dr. Miller was the majority, I believe. He was the
7 majority because I was still treating with him as a result of
8 some of the injuries sustaining from those automobile accidents
9 in as far as my back treatment.

10 Q. None of those accidents were work-related, we know
11 that, right, as far as the time off --

12 A. Yes.

13 Q. -- that you missed. But definitely by the time we
14 get to 2003 now it's the nurse practitioner, Miss Scholl, who
15 is taking you off work?

16 A. Yes.

17 Q. After a period of being off of work with an excuse
18 from Miss Scholl, you are ultimately given a release to return
19 to work, were you not, in 2003?

20 A. Yes.

21 Q. Then thereafter you accepted a period of voluntary
22 layoff?

23 A. Yes.

24 Q. Then you came back for a period of time, a very
25 short period of time maybe for two or three days, six hours one

1 day and maybe six hours another day and then like four hours
2 and then you went back off work; is that also right?

3 A. Miss Scholl --

4 Q. Answer my question, do I have that correct?

5 A. Which dates, I need to know the period before I can
6 give you --

7 Q. Sure. This would have been July of 2003 you would
8 have returned to work for a very short --

9 A. Yes.

10 Q. -- period of time.

11 A. I was just released by Miss Scholl to go back to
12 work to try light duty. I accepted the conditions of the light
13 duty to return to work, that is when I was in the automobile
14 accident which resulted and had to be treated and taken back
15 off work.

16 Q. Specifically you came back to work, you worked for
17 six hours on July 11, 2003, six hours on July 14, 2003, and
18 4.57 hours on July 15, 2003 and then you again went off of
19 work; is that correct?

20 A. Yes.

21 Q. That was immediately after your return from the
22 voluntary layoff, correct?

23 A. Yes.

24 Q. Let me show you what we are going to mark as your
25 Deposition Exhibit 1. For the record, this is Goodwine Exhibit

1 1 with today's date.

2 (GOODWINE EX. 1 - PA. HUMAN RELATIONS CHARGE,
3 marked for identification.)

4 Q. Do you recognize this document?

5 A. Yes.

6 Q. You took a minute to read through the document. Do
7 you need some more time to familiarize yourself with it?

8 A. Yes.

9 Q. Why don't you go ahead and just read through it.
10 (Brief pause.)

11 Q. Have you had the opportunity to review the document
12 to your satisfaction?

13 A. Yes.

14 Q. Could you identify the document for the record; what
15 is this?

16 A. Pennsylvania Human Relations Commission charge of
17 discrimination.

18 Q. This is your charge of discrimination, the one you
19 submitted to the EEOC and the Pennsylvania Human Relations
20 Commission, correct?

21 A. Yes.

22 Q. This is dated July 29, 2003?

23 A. Yes.

24 Q. Is that your signature that appears in two locations
25 at the bottom of Page 1 of Exhibit 1, and also on the bottom of

1 Exhibit 2 -- excuse me, at the bottom of Page 2 of Exhibit 1?

2 A. Yes.

3 Q. And, Mr. Goodwine, you understood when you executed
4 this that you were doing so under oath, you were affirming that
5 you read the information, that it was true to the best of your
6 knowledge, information and belief; is that correct?

7 A. Yes.

8 Q. Having read through it again here today is there
9 anything that you would want to change that you wrote in this
10 document at the time?

11 A. No.

12 Q. I want to draw your attention to the section of the
13 exhibit, Exhibit 1, that you see in the middle of the page it
14 says, the particulars are if additional paper is needed, attach
15 separate sheets. And that's where you provided the detail of
16 your charge of discrimination.

17 A. Okay.

18 Q. The first paragraph appears to generally describe,
19 Paragraph 1 at least, to generally describe your claims of
20 disparit treatment or discrimination and it has Subparts A, B,
21 C, D, E, F. And then I believe Paragraphs 2 and 3 talk about
22 what you perceive to be retaliation for your charge; do you see
23 that?

24 A. Yes.

25 Q. Let's start with Paragraph 1A, and it says in

1 January of 2003 I was placed on a, quote, bad boy list for
2 attendance problems. The bad boy list, is that the same thing
3 as the corrective action plan that is discussed in the
4 collective bargaining agreement?

5 A. Yes.

6 Q. So you understood that you were being placed on that
7 list pursuant to the union contract, did you not?

8 A. Yes.

9 Q. And the next sentence you talk about the results of
10 being placed on what you refer to as the bad boy list that
11 involved some loss of privileges; is that correct?

12 A. Yes.

13 Q. You understood that that was also pursuant to the
14 union contract, correct?

15 A. Yes.

16 Q. This is the issue we talked about earlier you
17 weren't sure whether a grievance was ever submitted on your
18 behalf, correct?

19 A. Yes.

20 Q. Under Subpart B of Paragraph 1, it appears to be
21 proceeding chronologically here, it says in approximately
22 February of 2003 Mr. Gephart, supervisor, asked me to do
23 something that I was not trained to do safely, prepare the
24 aluminum pot. Do you see that?

25 A. Yes.

1 Q. Who was Mr. Gephart?

2 A. He was the floor foreman at the time.

3 Q. Is that Gary Gephart?

4 A. Yes.

5 Q. How often did Mr. Gephart serve as your floor
6 foreman?

7 A. They rotated the foreman every other week.

8 Q. So Mr. Gephart would cease to be your foreman at
9 least temporarily every two weeks?

10 A. Yes.

11 Q. When Mr. Gephart was not your floor foreman, who
12 would be?

13 A. We had several.

14 Q. So then how frequently did Mr. Gephart actually
15 serve as the floor foreman for you? I had indicated every two
16 weeks but that doesn't sound like that's correct if they were
17 rotating among a greater number.

18 A. That would depend on if it was his week to work with
19 me and I was on his line of machines.

20 Q. Just your best recollection how often would that
21 occur where it was your week to work with him and he was on
22 your line of machines?

23 A. That's hard to determine in the amount of time I was
24 there and the amount of machines moving to. It also depended
25 on if we had three foremen that shift or two. If we had two

1 foremen, I didn't have to be on his line. The two foremen
2 would split the shop which is actually four lines of machines.

3 Q. Was it more or less than half of your time there
4 that Mr. Gephart was actually your floor foreman?

5 A. That is very hard to say.

6 Q. I mean, it sounds like less based on what you told
7 me, but give me your best recollection.

8 A. Even though he is not your foreman you still have to
9 work with him and answer to him is what I am trying to say.
10 Even if I'm not on his line, whenever he is there he is my
11 foreman every two weeks.

12 Q. Let's go back to my question, though. As far as
13 Mr. Gephart being specifically assigned as your floor foreman,
14 that is what I'm asking about right now, how often would that
15 occur?

16 A. Twice a month.

17 Q. For how long?

18 A. Two weeks. If he is assigned to my shift regardless
19 of what machine I'm on he is still -- he can still come over
20 and tell me to do this and tell me to do that. If he's on the
21 floor, regardless of what line you are on you still take orders
22 and jobs from them even if you are not on his line. If I am on
23 his line directly, if I have a problem with a machine or
24 downtime I have to go directly to him. If he is not available,
25 I have to go directly to the next line foreman that may be on

1 another aisle, I may have to leave the area I'm in or page
2 another foreman.

3 Q. I thought you said a minute ago that if he was not
4 on your line he would not be your direct report?

5 A. If another foreman is not available.

6 Q. Okay. So if he is not on your line, and another
7 foreman is not available, that's when you would go to
8 Mr. Gephart?

9 A. Yes. I would page the next available foreman on the
10 floor with that shift.

11 Q. If the foreman on your line is available, you would
12 have no reason to go to Mr. Gephart; is that correct?

13 A. Yes, no reason to.

14 Q. Let's go back to Subparagraph B of Exhibit 1,
15 Subparagraph 1B. Then you state here, in approximately
16 February 2003 Mr. Gephart, supervisor, asked me to do something
17 that I was not trained to do safely, prepare the aluminum pot.
18 I called over supervisor Ron Sayers, explained that I was not
19 trained to perform this function but if he directed me to do so
20 I would do it. Mr. Sayers informed Mr. Gephart that preparing
21 the pot was not something I was supposed to do.

22 Let me stop there. At that point were you required
23 to continue to prepare the pot after Mr. Sayers intervened?

24 A. No.

25 Q. You go on to say, after Mr. Sayers left the area

1 Mr. Gephart informed a witness to the conversation that, quote,
2 we, close quote, meaning the white employees, were supposed to
3 make it hard on, quote, them, close quote, meaning the black
4 employees.

5 Let me ask you first, did you hear Mr. Gephart make
6 that statement or did someone tell you about it?

7 A. I did not hear him. I was told the statement. I
8 was not in listening distance.

9 Q. Did Mr. Gephart ever tell you that his reference to
10 "we" was a reference to white employees?

11 A. No.

12 Q. To your knowledge did Mr. Gephart ever tell anyone
13 that the reference to "we" was a reference to white employees?

14 A. Not to my knowledge I can't.

15 Q. Did Mr. Gephart ever tell you that his reference to,
16 quote, them, close quote, was a reference to black employees?

17 A. No.

18 Q. To your knowledge did Mr. Gephart ever tell anyone
19 that his reference to "them" was a reference to black
20 employees?

21 A. No.

22 Q. You go on to say I reported this incident to
23 Mr. Ben Hancock in human resources. When did you report the
24 incident to Mr. Hancock?

25 A. Immediately after talking to the supervisor Ron

1 Sayers I was directed to speak to human resources, which I
2 believe was the following day.

3 Q. Who told you about Mr. Gephart's comment?

4 A. Jamal Shields and Rob Toolhurst.

5 Q. Do you know if Jamal Shields overheard the comment?

6 A. It's possible because he was standing in the same
7 vicinity as Mr. Toolhurst and Mr. Gephart at the time.

8 Q. Mr. Shields possibly overheard it but you don't
9 know?

10 A. I'm not sure.

11 Q. Is it your understanding that Mr. Toolhurst
12 overheard the comment?

13 A. It was told directly to Mr. Toolhurst.

14 Q. It's your understanding that --

15 A. Yes.

16 Q. -- was made to Mr. Toolhurst. Mr. Toolhurst
17 reported that to you?

18 A. Yes.

19 Q. Tell me what you did after you spoke with
20 Mr. Toolhurst and Mr. Shields.

21 A. I was very upset. I got up, I left my lunch and I
22 went looking for Ron Sayers.

23 Q. You say you left your lunch, I take it they told you
24 at lunch?

25 A. They were afraid to tell me is what I was told.

1 They didn't know how to tell me.

2 Q. Well, they did tell you, though?

3 A. They told me.

4 Q. Did they tell you at lunch?

5 A. Yes.

6 Q. You left lunch and went and found Ron Sayers?

7 A. Yes.

8 Q. And you reported to him what had been reported to
9 you concerning Mr. Gephart's comment?

10 A. Yes.

11 Q. He told you what in response?

12 A. He would look into the situation and get back to me
13 immediately.

14 Q. Did you hear back from Mr. Sayers?

15 A. Yes.

16 Q. What did you hear back from Mr. Sayers?

17 A. I do not have the approximate minutes or times, but
18 it was pretty quick, I would say less than an hour.

19 Q. What did he tell you?

20 A. That he spoke with Mr. Gephart and he was going to
21 consult the union steward at the time, and that he spoke to Rob
22 Toolhurst and Jamal, and he asked about us convening at a
23 meeting about it.

24 Q. Who did he say would be in attendance at the
25 meeting?

1 A. Myself, Gary, himself, meaning Ron, and the union
2 steward, Pete Lindsley and Rob Toolhurst.

3 Q. Did that meeting take place?

4 A. Yes.

5 Q. Was anyone else there for the meeting?

6 A. I'm trying to remember. I cannot recollect.

7 Q. Was Ben Hancock there for the meeting?

8 A. No.

9 Q. You had the meeting, what was discussed?

10 A. The statement, the context of the statement.

11 Q. What did Mr. Gephart say?

12 A. Mr. Gephart at the time said he did not remember
13 what he said. He didn't recall.

14 Q. Did Mr. Gephart also say that whatever he said was
15 not meant to be racial in nature?

16 A. He may have.

17 Q. At some point did he apologize to you if anything he
18 said offended you and extend his hand to you?

19 A. He tried to.

20 Q. What did you do when Mr. Gephart extended his hand
21 to you?

22 A. I told him I would not shake his hand. I'd been
23 there four years and he never extended it to me then, why now.

24 Q. You did not accept his apology and you did not
25 shake --

1 A. It wasn't sincere. No, I didn't.

2 Q. What happened next with respect to this incident?

3 A. As far as in the meeting, in that meeting?

4 Q. Um-hmm.

5 A. I asked him what he meant by "we" and "them", to
6 define "we" and "them".

7 Q. What did he say?

8 A. He didn't have a clear answer. I said when you're
9 speaking to Rob Toolhurst about we have to make it hard on them
10 what are your comparisons between you and Rob? Rob is my
11 coworker in the union. You're a supervisor. What is your
12 relationship as far as "we"? You're both white males. What is
13 the difference between myself and you two? I'm a black male.
14 I told him I did not know there were teams in PHB because when
15 I got hired I was never told I was on the them team.

16 Q. He did tell you, though, that the reference was not
17 intended to be racial in nature, did he not?

18 A. He said that, but I asked him once again, are you
19 calling Rob Toolhurst a liar because he's right here saying
20 that is how you meant it and that is how you said it. And he
21 could not call Rob a liar or say Rob was a liar. He couldn't
22 give a concise, clear answer.

23 Q. He did tell you that your interpretation and
24 Mr. Toolhurst's interpretation of the statement that it was
25 intended to be racial that that was not correct, but that if it

1 offended you he apologized and that's when he extended his
2 hand.

3 A. He tried to.

4 Q. All right. Now, after you had this meeting with
5 Mr. Gephart, Mr. Sayers, the union steward and Rob Toolhurst,
6 what happened next with respect to this incident?

7 A. I left, I did not stay, I was too upset.

8 Q. Do you know if there was any type of a follow-up
9 meeting involving Mr. Gephart and Ben Hancock?

10 A. I was told, but I was not part of that so I'm unsure
11 of their meetings.

12 Q. What were you told about that meeting? First of
13 all, you were told one took place?

14 A. Yes.

15 Q. What about the substance of the meeting, were you
16 told anything?

17 A. I wasn't told as far as all the details.

18 Q. What were you told?

19 A. I was told that he could not remember what he said.
20 If he did say it, he wasn't sure of how it came out or things.
21 I wasn't given too much detail. I wasn't informed too much of
22 anything.

23 Q. After the meeting were you moved away from
24 Mr. Gephart to a different station?

25 A. No.

1 Q. You were not?

2 A. No.

3 Q. Were you told that Mr. Gephart was instructed that
4 he would need to go to cultural diversity training?

5 A. This was later on after me constantly calling and
6 making appointments and going up front and the union doing the
7 same thing.

8 Q. At some point you did learn that Mr. Gephart was
9 told that he would have to attend cultural diversity training,
10 were you not?

11 A. Later on, yes.

12 Q. How much later on, when?

13 A. I'm not sure, over a month, a couple months.

14 Q. When you say this was after you and others were
15 continuing to go up and apparently say something to someone,
16 what did you do; who did you approach and what did you say?

17 A. I approached the union, I approached Ben and Shelly
18 continuously. Called almost every day. I called before I went
19 to work. I called them when I got to work. I walked up when I
20 got to work. I called again the next day.

21 Q. Is this immediately after the incident with
22 Mr. Gephart in the days following the incident?

23 A. Yes, yes.

24 Q. You called your union rep., you called Shelly, who
25 is Shelly?

1 A. Shelly Antolik is also in human resources.

2 Q. And you called Ben Hancock?

3 A. Um-hmm -- yes.

4 Q. Mr. Hancock is the head of HR?

5 A. Yes.

6 Q. What did you tell Shelly Antolik?

7 A. I told Shelly of the situation that happened out on
8 the floor and that I had a meeting with Ron and basically
9 she -- her duties are to pass those matters on to Ben. From
10 what I understood she can't really do much as far as advising
11 you on anything, pretty much in Ben's hands.

12 Q. How many conversations did you have with Shelly?

13 A. Several, too many to recollect.

14 Q. Again, this is specifically with respect to the
15 incident involving Gary Gephart, the comment that he made.

16 A. Let me make this clear, immediately following or
17 overall concerning the whole incident?

18 Q. Let's start immediately following. How many
19 conversations did you have with her?

20 A. Probably two or three.

21 Q. Were those in person or did you call on the phone,
22 how did you handle it?

23 A. Both.

24 Q. Did you submit anything in writing?

25 A. No.

1 Q. How many conversations did you have with Mr. Hancock
2 concerning this matter immediately after?

3 A. He requested a meeting with myself and Greg Bible.

4 Q. When did that meeting occur?

5 A. I would like to say within a couple days immediately
6 following after the event.

7 Q. Did you explain to Mr. Bible and to Mr. Hancock what
8 you had heard from Mr. Toolhurst and Mr. Shields?

9 A. Yes.

10 Q. What did they say in response?

11 A. Ben said that he had spoken. Ron had brought the
12 matter to his attention and that he had did some follow up and
13 he was already on it. He asked me what I thought should be
14 done.

15 Q. What did you tell him?

16 A. I told him that's not my job to set out guidelines
17 and punishments, that his job.

18 Q. Let me make sure I have this up to this point, kind
19 of walk-through it with you. You did not personally hear the
20 comment by Mr. Gephart, the "we-them" comment, correct?

21 A. Correct.

22 Q. You were told about that by Jamal Shields and Rob
23 Toolhurst, correct?

24 A. Yes.

25 Q. You immediately went and reported that to Ron

1 Sayers; is that correct?

2 A. Yes. To my knowledge I was understood that
3 Mr. Toolhurst had approached Ron about it also.

4 Q. And Mr. Sayers in response to Mr. Toolhurst's
5 comments or to your comments, your concerns, brought
6 Mr. Gephart, Mr. Toolhurst and others together to meet with you
7 to discuss the problem; is that correct?

8 A. Yes.

9 Q. During that meeting Mr. Gephart denied there was any
10 racial intent in his comment, apologized if it was offensive to
11 you, extended his hand to you and you declined to shake it; is
12 that correct?

13 A. Yes.

14 Q. After that the complaint within a few days was
15 relayed to Mr. Hancock and Miss Antolik. Within a few days
16 Mr. Hancock arranged a further meeting at which you were
17 present; is that correct?

18 A. Yes.

19 Q. During that meeting Mr. Hancock told you that he had
20 already spoken to Gary Gephart and that he was on it.

21 A. I believe so.

22 Q. He then asked you what you thought should be done
23 about the problem and you told him that that's really not your
24 job.

25 A. Yes.

1 Q. In Exhibit 1 before you, your Deposition Exhibit 1,
2 under Paragraph 1B it concludes by saying, to my knowledge
3 nothing was done about Mr. Gephart. Do you see that, top of
4 Page 2, in reference to the incident that you described, the
5 comment?

6 A. Yes.

7 Q. In fact, based on your testimony now there was a
8 series of meetings and you were told by Mr. Hancock that he was
9 on it. You were solicited for your position. You were offered
10 an apology by the employee. And ultimately you're aware the
11 employee, Mr. Gephart, was referred to diversity training,
12 correct?

13 A. The first, no.

14 Q. What is incorrect?

15 A. Diversity training I was told that months after
16 this.

17 Q. All right. Take that out of the equation then. You
18 were aware there was a series of meetings where the issue was
19 addressed, you had the opportunity to meet with union
20 representation, you were offered an apology by the employee, he
21 extended his hand to you as part of that apology and you then
22 had a follow-up meeting with the director of human resources
23 where your opinion concerning the matter was specifically
24 solicited; is that correct?

25 A. Yes.

1 Q. In Paragraph 1C of Exhibit 1 it states, I have
2 recurring problems from an automobile accident which happened
3 in 2000. Respondent has refused to pay my doctor and
4 chiropractor bills for this accident. What bills are you
5 talking about?

6 A. As far as insurance they stopped insurance payments.

7 Q. You mean group insurance?

8 A. Yes.

9 Q. Who is the group insurance provider for PHB?

10 A. PHB.

11 Q. It's self-insured. Do you have any type of an
12 itemized list of bills that you contend were improperly
13 declined?

14 A. That I don't have. The doctor would have the
15 declined payments as far as the insurance matters.

16 Q. Do you know who administers the insurance, insurance
17 claims for PHB?

18 A. Not exactly.

19 Q. What is your best understanding?

20 A. I believe they are submitted through Ben in human
21 resources and the nurse.

22 Q. You would not be able to identify any specific bills
23 that you assert were declined, doctor and chiropractor bills
24 that were declined with respect to the accident that occurred
25 in 2000?

1 A. Not specifically. I have the bills that they
2 stopped payment on my insurance as far as paying for me to
3 treat for my accident personally, my own going to the doctor to
4 pay for the chiropractor bill. Instead of insurance covering
5 the treatment and the visit I have to pay out of my pocket and
6 that's what I did.

7 Q. Do you recall a point in time where an insurance
8 carrier, rather than PHB, questioned whether you had reached a
9 point in your treatment, your chiropractic treatment, where you
10 weren't deriving any more benefit and essentially challenged
11 that treatment, further treatments, were necessary?

12 A. I don't recall, that could be possible, not offhand.

13 Q. Have you ever heard of peer review?

14 A. Not to my knowledge.

15 Q. Where an insurance carrier questions whether
16 continuing treatment is really necessary for a particular
17 accident, and has another chiropractor or physician actually
18 look at the treatment and examine the records and then offer an
19 opinion as to whether treatment should be continued under the
20 insurance. Are you familiar with that process at all?

21 A. I understand what you're saying.

22 Q. Do you know if that occurred in your case?

23 A. That's a possibility.

24 Q. You have no reason to believe, do you, that
25 Mr. Hancock or anyone else at PHB initiated that process or

1 somehow convinced another doctor to say that you are no longer
2 in need of insurance related medical treatments?

3 A. Please repeat that.

4 Q. Do you have any reason to believe that Mr. Hancock
5 or anyone else from PHB attempted to manipulate the peer review
6 process in your case?

7 A. I have reason to believe that Mr. Hancock does
8 manipulate a lot of things.

9 Q. That wasn't my question. My question was: In your
10 case do you have reason to believe, are you aware of any
11 facts --

12 A. No.

13 Q. Let me finish the question. Are you aware of any
14 facts that would support a conclusion that Mr. Hancock somehow
15 manipulated the peer review process with respect to any
16 insurance claims you had?

17 A. No.

18 Q. Paragraph 1D of Exhibit 1, which is on Page 2 of
19 Exhibit 1, it states another foreman, and it says Gordy
20 Phillips but there's a line through the name Gordy Phillips and
21 above the name Gordy Phillips the words, dose not assign, is
22 handwritten. Before I read the rest of the sentence,
23 Mr. Goodwine, let me ask you this: Do you recognize the
24 handwriting?

25 A. Yes.

1 Q. Whose handwriting is that?

2 A. That is mine.

3 Q. This was your correction at or about the time that
4 you signed Exhibit 1?

5 A. Yes.

6 Q. So then you're actually correcting this particular
7 statement. It wasn't Gordy Phillips who assigned you to the
8 hardest jobs more often than white employees in your view?

9 A. Yes. At the time Gordy was not the person assigning
10 the jobs.

11 Q. Do you know where the name Gordy Phillips came from?

12 A. Yes.

13 Q. How was that name supplied in connection with
14 preparation of this charge?

15 THE WITNESS: Am I allowed to speak on another
16 person?

17 MR. CONNELLY: Sure.

18 A. David Woodard.

19 Q. So that's incorrect, that information that was
20 apparently provided by David Woodard was not correct?

21 A. Please say that again.

22 Q. Mr. Woodard's statements that another foreman, Gordy
23 Phillips, had regularly assigned apparently you to the hardest
24 jobs more often than white employees, that was not a correct
25 statement?

1 A. That depends on David on when you work. If he were
2 to have been working on the weekends overtime like he was,
3 Gordy would have been the supervisor instead of Ron and he
4 makes the assignments then.

5 Q. Mr. Phillips never assigned you to harder jobs in
6 your view than white employees; is that correct?

7 A. Not at that time.

8 Q. At any time did Mr. Phillips assign you to jobs that
9 you perceived to be harder relative to jobs being assigned to
10 white employees?

11 A. Yes.

12 Q. When did that occur?

13 A. Later on into this year. We lost a supervisor which
14 was Rex. Gordy then became a supervisor as well Ron Sayers and
15 they split the supervisor duties, that is when Mr. Phillips
16 began assigning jobs in place of Rex Ryan.

17 Q. You said this year?

18 A. Well, end of 2003, 2004.

19 Q. What did you consider to be the harder or hardest
20 jobs?

21 A. Jobs with faster cycle times, bigger parts, more
22 workstations.

23 Q. Hold on one second -- go ahead.

24 A. Bigger parts, more workstations, and more attention
25 to detail, more preparation of the part.

1 Q. Let me make sure I have these then. You considered
2 the harder jobs to involve jobs with faster cycle times, bigger
3 parts, more workstations, more attention to detail?

4 A. As far as flash, the flash metal and more
5 preparation of preparing the part before you can actually ship
6 it out to another department.

7 Q. Now, would these harder jobs would they involve
8 particular machines or making particular parts?

9 A. Both.

10 Q. If I wanted to go into the shop and look for the
11 machines that you would perceive to involve harder jobs, what
12 machines would I want to go look at?

13 A. The 1,000 tons, 900 tons, 1,600 tons, the zinc jobs
14 and the double cavity.

15 Q. So then if I wanted to know which of the machines or
16 which of the jobs involve either faster cycle times, bigger
17 parts, more workstations or more attention to detail I would
18 first look at the machines that have apparently higher tonnage,
19 1,000 tons, 900 tons, 1,600 tons?

20 A. Generally those machines, the bigger machines, put
21 out the bigger parts.

22 Q. Could you tell me, just to give me a comparison,
23 what are the smaller machines, the easier machines, what is the
24 tonnage on those?

25 A. Some of them are 200 ton, 400 ton, 600 ton.

1 Q. So around 200 to 600 ton would be the easy machines?

2 A. 400 ton, it depends what die they put in those
3 machines. They could be turned into hard jobs. It can be a
4 small part but it can be meticulous, depends what they decide
5 to put in it.

6 Q. Just in terms of the size of the parts, if I wanted
7 to look at that factor, are the larger parts always going to be
8 made on the larger machines?

9 A. Yeah, 90 percent of the time yes, because the small
10 machine the die cavity could not fit in the smaller machine.

11 Q. You would consider the larger machine to be the 900
12 to 1,600 ton range, correct?

13 A. Yes.

14 Q. And the smaller ones to be the 200 to 600 ton range?

15 A. Yes.

16 Q. What about the zinc jobs? When you talk about the
17 zinc jobs, what makes them harder?

18 A. Zinc is heavier than aluminum.

19 Q. Anything else?

20 A. A lot sharper and it's harder to break.

21 Q. Anything else about the zinc jobs that you consider
22 make them harder than aluminum jobs?

23 A. Those are really the big differences. Zinc is a lot
24 heavier and more of a process of handling those than aluminum.

25 Q. You mentioned the double cavity jobs, is that in

1 contrast to a single cavity job?

2 A. Yeah.

3 Q. So you have two parts coming out instead of one?

4 A. You have two parts connected on to one. You would
5 have to work twice as fast because you don't have one part in
6 the die you have two. You have two to put here, you have two
7 to put here.

8 Q. Did you or, to your knowledge, anyone else ever
9 grieve your position that certain employees, specifically black
10 employees, were being assigned to what you perceived to be
11 harder jobs?

12 A. No one grieved it to my knowledge.

13 Q. Did you report this perception to anyone at PHB?

14 A. These things were reported to the union steward.

15 Q. My question is a little different. Did you report
16 this perception to anyone?

17 A. I personally talked to Mr. Bible about these things.
18 I never filed anything, it was talked to Ron Sayers about.

19 Q. You indicated that you talked to Mr. Bible. What
20 did you say to Mr. Bible?

21 A. I explained to Mr. Bible how a black employee, how
22 myself and the black employee on second and the black employee
23 on third and the black employee on first why are we constantly
24 relieving each other on the same machine that is one of the
25 worst in here. The only black employee on first shift is on

1 that machine on first shift. When I come in on second, I am
2 relieving him on that machine. And then the black employee on
3 third is relieving me. It happened often.

4 Q. And who are the black employees to whom you're
5 referring on the other shifts, can you give me their names?

6 A. Jamal Shields. I can't think of the other person,
7 he was a newer guy. And speaking of that reference right now
8 it's still going on right now. I know two new black employees
9 that are on the same machines as we speak.

10 Q. Who are they?

11 A. One just quit, John Jones. Rick Pointer, a new
12 hire, they are breaking them in on the same machines I'm
13 complaining about.

14 Q. Who told you that?

15 A. The employees that are still there.

16 Q. Specifically who told you that?

17 A. I watched them do it to John Jones.

18 Q. But you said it's still going on there, you haven't
19 worked there since July of --

20 A. Jamal Shields, I have friends that still.

21 Q. You have to wait for me to finish my question. You
22 haven't work since July of 2004, who has told you it still goes
23 on at PHB?

24 MR. CONNELLY: He is not going to get other people
25 in trouble. These people still work there. I just

1 have a problem just from a moral standpoint. I
2 understand the thing, but having him throw out names
3 of people still working there --

4 MR. LANZILLO: I am not asking the question to get
5 anyone in trouble.

6 MR. CONNELLY: Unless we can agree that you're not
7 going to tell anybody that works at PHB.

8 MR. LANZILLO: PHB is our client.

9 MR. CONNELLY: That's the problem I have, these are
10 people's lives.

11 MR. LANZILLO: This is relevance, I'll interpret
12 your comments as a relevance objection.

13 MR. CONNELLY: No, it's a moral objection.

14 MR. LANZILLO: Well, the moral objection is on the
15 record.

16 Q. But the people who have advised you that they
17 believe there is an improper assignment of work to black
18 employees ongoing at PHB would be Jamal Shields and anyone
19 else?

20 MR. CONNELLY: It's not that that's improper, it's
21 just that these are people working that job. He is
22 saying it is improper.

23 Q. Anyone else?

24 A. Jamal Shields, John Jones, which just quit PHB,
25 hasn't been there a year.

1 Q. He hasn't been there for a year?

2 A. No, he quit. Another black employee.

3 MR. CONNELLY: He hasn't been there for a year or he
4 hadn't been there?

5 A. He hadn't been there, worked there for a whole year.
6 He started in December of 2003 -- 2004.

7 Q. You're losing me here.

8 A. John Jones just started in 2003.

9 Q. December of 2003?

10 A. And he quit PHB. He was one of the employees that
11 was put on that machine on his probation and I watched him go
12 through the same things.

13 Q. He quit recently; is that correct?

14 A. He is now at G.E.

15 Q. Do you know whether John Jones ever filed any type
16 of grievance concerning his assignment?

17 A. He was afraid to because he heard about what I was
18 going through at the time.

19 Q. I will take that as a no.

20 A. No.

21 Q. So as far as Mr. Phillips assigning you to what you
22 believed or perceived to be harder jobs that did not occur
23 until after the filing of your charge of discrimination; is
24 that right?

25 A. Yes.

1 Q. You go on to say in Subparagraph D of Paragraph 1
2 that shortly after I complained about Mr. Gephart, Mr. Phillips
3 was planning to breach safety procedures and not advise me to
4 stand back when a valve to a malfunctioning machine was about
5 to be turned on.

6 What leads you to the conclusion that Mr. Phillips
7 was planning to breach some sort of safety procedure?

8 A. My machine was down and I was working on the machine
9 with a process control technician, and the process technician's
10 name is Ron Sharp. We were trying to figure out why the
11 machine wasn't getting the proper hot water that cools the die.
12 We had to open the die, I had to take all the hoses off the
13 valves which are alongside each side of the die, approximately
14 eight of them, four or five on each side.

15 Ron went on the back side of the machine and he was
16 adjusting the controls that would supply the water to the
17 machine, the hot water. He would yell to me to stand back, I'm
18 opening the valves, so if it comes through get back so you
19 don't get burned. He'd ask if there's any water coming out,
20 anything coming out, I yell no. He said, okay. He'd close the
21 valves. He'd come back over and he told me, okay, open the
22 valves, all the hand valves and back up, I'm going to try this
23 line again. So I did that.

24 I didn't hear from him for a couple minutes and I
25 assumed he was still working on the problem. I walked away

1 from the machine and walked, not directly to where Ron was
2 working, I walked around my machine, another machine, used the
3 restroom there, got a drink of water. And from the fountain I
4 could see Ron Sharp, Gordy Phillips and Jay Lewis from
5 approximately from here to that chair, and they were bent over
6 the valve that Ron was working on. And as I walked up on them
7 they were all bent over and they were laughing and I heard my
8 name being said and then they were chuckling.

9 I said, what's going on, what's so funny? Gordy
10 walked away hurriedly and so did Jay Lewis. I asked Ron Sharp,
11 I said, what was said about my name? I heard my name, what's
12 the joke about? And Ron said, oh, Gordy was just being
13 humorous. I said, well, I'm not in a humorous state right now,
14 I would like to know what was said about me, humorous or not.

15 Ron said, I found the problem with the valve, and I
16 was about to open the valve and I told Gordy, no, hold on, Cari
17 is still standing over there I didn't tell him to get out of
18 the way. It was told to me from Ron Sharp that Gordy said,
19 let's not tell him and see how fucking fast he really is.
20 Exact words quoted to me, quoted back

21 Q. Based upon that you concluded that Mr. Phillips was
22 going to do something to a machine to cause you to be burned
23 and seriously injured?

24 A. Yes. If Mr. Sharp had let him open that valve and
25 not yelled to me, unbeknown to them that I was standing behind

1 them, I would have gotten hurt from that, from the pressure of
2 that hot water coming through all those valves being opened
3 directly aimed from my head down to my waist on both sides.

4 Q. You mentioned Jay, what was Jay's last name?

5 A. Jay Lewis, L-E-W-I-S.

6 Q. Did you ever talk to Jay Lewis about that claim?

7 A. No, I didn't.

8 Q. So just to make sure I understand. You did not hear
9 Mr. Phillips make the comment that was attributed to him by Ron
10 Sharp, correct?

11 A. Correct.

12 Q. What Mr. Sharp told you after the fact when you
13 asked him what they were talking about were words that Phillips
14 had made a comment to the effect that go ahead and turn the
15 valves on while you're in the area and see how, quote, fucking
16 fast you can really move, and that's what Sharp told you?

17 A. Yes.

18 Q. Did Sharp indicate to you whether he thought it was
19 a joke or he thought Phillips was serious?

20 A. He thought it was a joke because they were laughing.
21 I heard the laughing. I could see them chuckling, I heard it.

22 Q. Just to make sure I am absolutely clear on this,
23 Mr. Phillips did not do anything to actually manipulate the
24 machine or turn any valve in a way that could burn or injure
25 you, did he?

1 A. No, he didn't have a chance to. I was standing
2 there before he could.

3 Q. Was Mr. Phillips actually working on the machine at
4 the time?

5 A. No, it was on his line of --

6 Q. Did you approach Mr. Phillips after this and ask him
7 whether he made the comment that was attributed to him?

8 A. No, I didn't. With what was going on with the
9 situation it was best for me not to confront anyone for me
10 getting set up to be fired, I reported everything to the union
11 and Ron Sayers.

12 Q. When you say everything that was going on, so far
13 just reading through your charge chronologically there was
14 placement on the bad boy list. There was the comment by
15 Gephart that we discussed earlier. You've already told me that
16 the assignment of what you perceived to be harder jobs did not
17 occur until later, so that hadn't occurred. So the "what's
18 going on now" would be those events we've already discussed,
19 right?

20 A. Yes.

21 Q. Did you then report this comment that Ron Sharp
22 indicated was stated to him by Mr. Phillips to anyone?

23 A. Ron Sayers.

24 Q. When did you go see Ron?

25 A. That day.

1 Q. What did Ron say?

2 A. He'd would look into it.

3 Q. Did he?

4 A. And Greg Bible.

5 Q. To the best of your knowledge did they look into it?

6 A. To the best of my knowledge Greg did, I am unsure
7 what Ron actually did.

8 Q. What follow up was there?

9 A. None really.

10 Q. Well, did someone get back to you? Did Greg Bible
11 tell you after the fact that he looked into it?

12 A. He said he was talking to Ron about the issue.

13 Q. Did you follow up with Greg Bible or anyone else?

14 A. I followed up with Greg on everything.

15 Q. Tell me how you followed up with Greg on --

16 A. I asked Greg what was done. He said Ron was going
17 to talk to Gordy about it, he was going to talk to Ron Sharp
18 about it. All of these matters were left unopened. I was
19 always told we are going to get back to you, we're going to do
20 something about it.

21 Q. Let's focus on my question, though, because I want
22 to get to the specifics now. You spoke to -- you spoke to Greg
23 Bible. He said he would talk to Ron Sharp.

24 A. Ron Sayers.

25 Q. I'm sorry, Ron Sayers and to Gordy Phillips; is that

1 who he told you he would talk to?

2 A. Yes.

3 Q. Was that the last conversation you had with
4 Mr. Bible concerning that matter?

5 A. Yes.

6 Q. Did you ever again ask Mr. Bible about that
7 particular incident?

8 A. I believe so, a day or two later.

9 Q. Well, you just told me that was the last
10 conversation you had about that incident, now you say you
11 believe you did ask him about it?

12 A. You have to understand, I asked Greg about a lot of
13 things going on in there. When they say they're going to get
14 back to you, I say I asked them again, I say, well, what came
15 out of that? I get told we're going to get back to you,
16 nothing has been done yet, nothing has been said. That's what
17 I mean, that's not a conversation. I am asking a question,
18 well, what are you going to do about this; what are you going
19 to do to resolve it. To my knowledge nothing happened with the
20 situation.

21 Q. You don't specifically recall going back to Greg
22 Bible concerning that incident, do you?

23 A. No. They said they're going to get back to me,
24 that's when you wait.

25 Q. Did you report that incident to Mr. Hancock or

1 Ms. Antolik?

2 A. I believe so.

3 Q. You believe so or did you?

4 A. Yes.

5 Q. Tell me when you did that?

6 A. Immediately after, because it had to be the next day
7 because I can't call them during the shift. I'm on second
8 shift, they're at home.

9 Q. Mr. Goodwine, under oath now you are telling me that
10 you specifically recall reporting that incident to Mr. Hancock
11 and to Miss Antolik?

12 A. Yes. I don't have the exact time and date.

13 Q. Did you report that in writing?

14 A. No, not to my knowledge.

15 Q. What did you tell them?

16 A. I explained to them exactly what happened. How I
17 was working on the machine, what was said to Ron Sharp about
18 me. What I saw, the laughing, and asked them and Ron explained
19 to me what happened. What Gordy said and how he was just
20 joking. And I said under the circumstances these matters
21 aren't a joke to me. With me filing something on Gary Gephart
22 the whole atmosphere changed for me, the tension.

23 Q. Well, I appreciate your observations, but I'm
24 interested in the facts here. What did Mr. Hancock or
25 Miss Antolik say in response to your comments?

1 A. It would be looked into.

2 Q. Did you have any further contact with anyone from
3 human relations regarding that issue?

4 A. None to my recollection.

5 Q. Did you tell them you wanted something to happen in
6 response to what you heard from Mr. Sharp or comments from
7 Mr. Phillips?

8 A. I did not say I wanted something -- can you please
9 rephrase that.

10 Q. Did you indicate to Miss Antolik or to Mr. Hancock
11 that you wanted any specific action to be taken with respect to
12 the statements that had been attributed to Mr. Phillips?

13 A. I did not ask for any specific action. I was still
14 waiting on a response from Mr. Gephart.

15 Q. Mr. Goodwine, am I correct that no one in your
16 presence during the course of your employment at PHB ever used
17 a racial slur?

18 A. In my presence?

19 Q. Yes, sir.

20 A. Meaning me hearing it directly?

21 Q. Yes, sir.

22 A. Correct.

23 Q. Am I also correct that during the course of your
24 employment you never observed any graffiti that you perceived
25 to be racist?

1 A. That's correct.

2 Q. You never saw any writing inside any bathroom stalls
3 or anything saying KKK or showing burning crosses or anything
4 like that, did you?

5 A. That was not seen by me.

6 Q. During the approximately four years that you worked
7 at PHB not only did you not see that graffiti, you didn't see
8 anything like that that you perceived to be in any way racist.

9 A. No.

10 Q. My statement is correct?

11 A. Yeah, your statement is correct, yes.

12 Q. I'm not going to run through any epithets or phrases
13 that we would all understand to be racist, but from your
14 perception in the four years that you were at PHB you never
15 heard anything directly that you considered to be a racial
16 slur; is that correct?

17 A. I have heard, but not directly to me, yes.

18 Q. Or in your presence, another employee use a racial
19 slur; is that correct, you've never heard that during the four
20 years, approximately four years, you worked for PHB?

21 A. Yes.

22 Q. You have been an athlete, have you not?

23 A. Yes.

24 Q. In fact, you played football in high school?

25 A. All through.

1 Q. You were pretty good?

2 A. Yeah.

3 Q. What position did you play?

4 A. Running back.

5 Q. With respect to this incident, the statement that
6 was attributed by Mr. Sharp to Gordy Phillips, would you agree
7 with me that assuming that statement was made it could have had
8 nothing to do with your race, that you're assuming that that
9 was somehow directed at you because you are a black man but it
10 could just have easily been in reference to the fact that
11 you're an athlete and have a reputation for speed an
12 athleticism?

13 A. No, I don't believe that because of the
14 conversations prior to it. Gordy Phillips, he had no knowledge
15 of me being a running back.

16 Q. You're obviously an athletic person, even now you
17 can tell that you keep yourself in pretty good shape; do you
18 agree with that?

19 A. Yes.

20 Q. And the fact that someone comments that, let's see
21 how fast or how fucking fast Cari can move, can really move,
22 that could just as easily be a reference to your obvious
23 athleticism, wouldn't you agree with that? There's nothing
24 facially racial about that statement.

25 A. No.

1 Q. No, there is nothing facially racial about the
2 statement or -- do you agree with my statement?

3 A. I agree with that, yes.

4 Q. It was your perception that Mr. Phillips, assuming
5 he made the statement, made the statement somehow in
6 relationship to your race; is that correct?

7 A. Yes.

8 Q. Prior to this statement did Mr. Phillips ever say
9 anything to you about your race?

10 A. Yes.

11 Q. What did he say?

12 A. Statements, he made comments about black women.

13 Q. What would he say?

14 A. How he likes black women. How he met some gorgeous
15 black woman assuming -- I don't know how that would.

16 Q. What about you, your race? Okay, Mr. Phillips
17 expressed that he likes -- that he finds black women
18 attractive, but what about you, did he ever make any comments
19 about your race?

20 A. No.

21 Q. You go on in Exhibit 1 to say, in addition since my
22 complaints about Mr. Gephart and Mr. Phillips has been slow to
23 answer my pages for help making me page him three or four times
24 before responding, did you ever grieve that complaint?

25 A. No. I went to Ron Sayers about it. I kept a log of

1 this.

2 Q. You kept a written log?

3 A. Yes. I gave it to Ron Sayers and I showed it to Ron
4 Sayers.

5 Q. Did you keep a copy?

6 A. Yep, I have them all.

7 MR. LANZILLO: I believe that document would be
8 responsive to our request for production of
9 documents.

10 MR. CONNELLY: I don't think I have them, but I need
11 them.

12 THE WITNESS: The EEOC has them, the note pads that
13 I wrote down and I showed Ron, times and dates.

14 MR. CONNELLY: You have them, you have copies
15 yourself now?

16 THE WITNESS: Yeah, I can make copies.

17 MR. CONNELLY: Can you bring them in? To make sure
18 you get everything he does have, written copies
19 bring those in next week.

20 Q. On how many occasions did you perceive that
21 Mr. Phillips was slow to answer your page?

22 A. This went on soon after it got around that I
23 reported Gary it immediately followed every day.

24 Q. That wasn't my question. On how many occasions did
25 you perceive that Mr. Phillips was slow to answer your page?

1 A. This was every day. If he was on my shift, every
2 day. After I was on his line it happened every day, the whole
3 week I was on his line, his shift.

4 Q. How long did that perceived delay continue?

5 A. That went on every other week for months, for I
6 would say approximately at least a month and a half.

7 Q. Would you page him every day?

8 A. I had to page him anytime the machine was down. I
9 had to page him anytime I needed to use a rest room break. I
10 had to page him for tools to fix the machine.

11 Q. Was that every day?

12 A. Yeah.

13 Q. Is it your testimony every time you paged him there
14 was what you perceived to be a delay in his response?

15 A. Yes.

16 Q. Every time you paged him you had to page him how
17 many times?

18 A. Three or four times.

19 Q. Did you say anything to him?

20 A. Yeah -- yes.

21 Q. What did you say?

22 A. Yes. I asked him, since I reported Gary you're
23 acting funny towards me. You don't speak, you don't respond to
24 me. And I said, I have been paging you, I page you for breaks.
25 I page you for travelers that I need to put in my parts to send

1 out, I have a back load of inventory right here and without
2 those, without those things you're responding, I'm falling
3 behind. He just looked at me and snickered and walked away.

4 Q. Did he say anything to you?

5 A. Nope.

6 Q. How many times did you say that to him that you
7 thought he was responding slowly to your pages?

8 A. At least two or three times initially, then I
9 stopped the conversation, it wasn't going to benefit me.

10 Q. Did you report that to anyone?

11 A. Ron Sayers.

12 Q. Anyone else?

13 A. Greg Bible.

14 Q. Anyone else?

15 A. That's it, that's my recollection.

16 Q. You indicated that you kept a log of the times you
17 thought that he was slowly responding to your --

18 A. I started to keep a log after the initial not
19 showing up and to prove to Ron, to listen when I'm paging Gordy
20 Phillips. I'm bringing it to your attention, Ron, Gordy is not
21 responding to me. Gordy is ignoring the fact that my machine
22 is down. When you come to me at the end of day and ask me why
23 I have six hours of downtime, I have to report to you I had no
24 one to come help bring me tools or fix the machine. I'm
25 explaining to you why my machine is down and there's no

1 production. I said, start listening to me when you hear, Gordy
2 Phillips, 500 ton two. Ron, start listening how many times I
3 have to page Gordy. And I said, listen to the times of the day
4 and listen to him not responding that I have to call another
5 supervisor or foreman.

6 Q. This is an audible page that can be heard --

7 A. Throughout the plant.

8 Q. Okay. So this would be something that other
9 employees would hear as well?

10 A. Yes. Sorry for cutting you off, apologize.

11 Q. That's all right. The log that you just described
12 you indicated is part of the EEOC documents?

13 A. Yes, I believe so. They asked for -- to look at the
14 notebooks and I did give them to the woman at EEOC.

15 MR. LANZILLO: You know, we have been going for a
16 while, I noticed that Attorney Connelly has the
17 documents here. Could you take -- and just to save
18 the trouble of having to reconvene and go --

19 MR. CONNELLY: I'll look and see if I can find them.
20 There are a ton to go through.

21 MR. LANZILLO: I am just wondering if Mr. Goodwine
22 might be -- would you be able to recognize those
23 documents, the log that you're talking about?

24 THE WITNESS: Possibly some of the notes, yes.

25 MR. LANZILLO: Why don't we take a quick break, I

1 need one anyway, and why don't you page through the
2 documents so that we can have them in front of us so
3 we know what we are talking about.

4 (Brief recess.)

5 MR. LANZILLO: Back on the record. Over the break
6 we had a brief discussion. Mr. Goodwine has looked
7 through the box of EEOC documents and I'm correct
8 you did not see your logs in those documents, did
9 you, Mr. Goodwine?

10 THE WITNESS: Yes, you are correct.

11 MR. LANZILLO: Attorney Connelly and I conferred and
12 it's your understanding, Jeff, that the logs were
13 provided to the EEOC, but then the originals were
14 returned to Mr. Goodwine?

15 MR. CONNELLY: That's what he tells me, yes. She
16 mailed them back, the woman investigator mailed them
17 back to him and he has them.

18 Q. Mr. Goodwine, that's correct, you still have the
19 logs to which you were referring?

20 A. Yes, I do.

21 Q. Those were inadvertently not produced in response to
22 our earlier request for production but you're willing to
23 produce those through your counsel at this time?

24 A. Yes.

25 Q. And by this time I mean as soon as possible.

1 A. Yes.

2 MR. LANZILLO: Jeff, we discussed that if there is
3 something in there that requires further inquiry we
4 can reconvene the deposition obviously --

5 MR. CONNELLY: Anytime.

6 MR. LANZILLO: -- on that matter.

7 Q. Mr. Goodwine, let me digress for a moment. Do you
8 belong to a gym, fitness club, anything like that?

9 A. Just recently, yes.

10 Q. What fitness club or gym is that?

11 A. YMCA.

12 Q. During the time you were employed at PHB were you a
13 member of any gym or fitness club?

14 A. I had a six-month Y membership.

15 Q. When was that?

16 A. Last year.

17 Q. 2004?

18 A. Yeah. I just currently just renewed the family
19 membership about a month ago.

20 Q. Prior to the six-month Y membership that you had in
21 2004, did you not belong to any athletic club?

22 A. No, I didn't have any memberships to any type of
23 club.

24 Q. Did you workout anywhere?

25 A. At home.

1 Q. What kind of equipment do you have at home?

2 A. Just basic bench and free weights, dumbbells, bars.

3 Q. How frequently do you use that equipment?

4 A. I wasn't allowed to use it during the time I was off
5 on my automobile accident. I had to treat at the rehab center
6 on Sassafras.

7 Q. Did you ever use the workout equipment at home
8 during the period of time you were off work?

9 A. Yes, sometimes.

10 Q. For what types of exercises?

11 A. Just for arms.

12 Q. Bench press?

13 A. No.

14 Q. Arms?

15 A. Yeah.

16 Q. When you would miss work, would you typically go to
17 the doctor first or after you had missed work for a day or
18 more?

19 A. I would go to the doctor, try to have an appointment
20 if it was scheduled first. With my doctor they have a lot --
21 have problems booking the appointments and generally there were
22 times where I couldn't get in to two or three days after I
23 originally called them due to scheduling problems.

24 Q. Is that true with respect to both Community Health
25 Net and your chiropractor or one or the other?

1 A. Yes.

2 Q. Both of them, that was an issue with both?

3 A. Generally with the chiropractor it was that day,
4 generally. If he treated me and he deemed my back or injury
5 would prevent me to go to work, he would fill out the form a
6 week in advance and tell them how many days per se, and he
7 would either fax it or I would take it to work.

8 Q. How about with respect to Community Health Net,
9 wouldn't the pattern typically be you would miss work for
10 whatever reason and you would go to Community Health Net and
11 then if an excuse was provided it would be provided to you
12 after the fact?

13 A. Yes. With them, as I said, generally when I called
14 that day for the appointment of feeling ill or sick they
15 couldn't get you in until later in the day or the next day
16 because of the scheduling.

17 Q. When you go to Community Health Net, you would see
18 the nurse practitioner typically?

19 A. Most often.

20 Q. In fact, you rarely if ever saw Dr. Snow, did you?

21 A. Yes, that's correct because Dr. Snow, as I said, was
22 on military leave.

23 Q. Over what period of time was Dr. Snow on military
24 leave; do you recall?

25 A. Partially, I believe in 2003 and some of 2004 from

1 what I was told down there.

2 Q. During that entire time Dr. Snow was on military
3 leave you would have seen the nurse practitioner only?

4 A. Yes, always Sally Scholl.

5 Q. When you would go and see Sally Scholl, you would
6 tell her that you had a particular illness or problem and ask
7 her for a work excuse?

8 A. I wouldn't ask her. It was you had to have one, no
9 if ands or buts. I'd explain to her, she'd say, I know you
10 called on two days prior if you are feeling sick or you were
11 feeling ill that day or do you still have the prognosis, are
12 you still hurt, and an excuse would be written to that effect
13 of what the prognosis was.

14 Q. You would report to her that you were not feeling
15 well, that you were still having problems, and after you report
16 that to her she would write you a slip based on the information
17 you provided?

18 A. After diagnosing me, yes.

19 Q. Speaking of diagnosing you, did you ever have an MRI
20 done?

21 A. On?

22 Q. Any part of your body in connection with any of the
23 problems you had while you were employed at PHB?

24 A. I believe on my back, back or shoulder, I believe I
25 had an x-ray. I cannot remember exactly what for.

1 Q. Do you recall whether the x-rays showed any
2 significant findings, they tell you that you had any
3 diagnosable problem based upon the x-rays?

4 A. No.

5 Q. You have no recollection of them telling you there
6 was anything abnormal about the x-rays?

7 A. No.

8 Q. How about any other diagnostic testing, CAT scans,
9 nerve conduction studies, anything like that that you can
10 recall?

11 A. No, no.

12 Q. Did Miss Scholl, the nurse practitioner, ever refer
13 you to a specialist for follow-up treatment?

14 A. Yeah.

15 Q. To whom did she refer you?

16 A. I was sent to -- told me to seek outside for
17 possibly for a massage therapy for my back and to continue with
18 the chiropractic care that I had previously been receiving with
19 Battersby.

20 Q. So chiropractic and massage therapy for your back.
21 What about a referral for an MRI or to an orthopedic surgeon or
22 someone of a more sophisticated practice?

23 A. The only referral for MRI was when I was sent for
24 the x-ray, that I can recollect, on my back. As far as that I
25 would have to get that on my own, that the treatment wasn't

1 sufficient that I was receiving.

2 Q. First of all, you and I our language is a little
3 different here. I refer to an MRI, which is a slightly more
4 sophisticated test than an X-ray.

5 A. I've never been sent for anything other than an
6 x-ray.

7 Q. So to the best of your recollection the most
8 sophisticated diagnostic tool used to assess you would have
9 been an x-ray?

10 A. Yes.

11 Q. Turning back to Exhibit 1, again, the second page.
12 There is a reference in Paragraph 1F and also again in
13 Paragraph 2 that, although I was moved away from Mr. Gephart
14 after I complained about him he continues to come to my area
15 and stand near my machine and watch me.

16 First of all, let me ask you: Am I correct that at
17 some point in response to your complaints Mr. Gephart was moved
18 away from your workstation?

19 A. After continuous complaining about being moved.

20 Q. Then after that you still perceived that he would
21 come to your area, stand by your machine and watch you?

22 A. Yes.

23 Q. Did you discuss that with anyone?

24 A. Yes.

25 Q. Who did you discuss that with?

1 A. Ron Sayers.

2 Q. Anyone else?

3 A. Everything that I discussed with Ron I discussed to
4 Greg Bible.

5 Q. Anyone other than Ron and Greg Bible?

6 A. Not to my recollection at this time. I spoke -- I
7 was explaining to all of them, I mean human resources, but I'm
8 saying at this time that I know for sure those are the two
9 people that I said something to regarding this matter.

10 Q. You don't remember anyone else regarding that
11 matter?

12 A. No.

13 Q. You go on to talk about Mr. Phillips harassing me by
14 walking past my machine and watching me. Am I correct, I am
15 not sure I am following the statement here, was that a problem
16 with Mr. Phillips?

17 A. When they removed me from Mr. Gephart's area, if you
18 can explain the way the building is it would probably help you
19 a lot clearer.

20 Q. Sure.

21 A. Gary Gephart's workstation would be here. His aisle
22 of machines would be here. To get to the aisle machines you
23 come through this door past his workstation. Next row of
24 machines are on a separate aisle. You have to go out of his
25 doorway, come in this way or go all around these machines and

1 come down this aisle. Gordy's station was here. When they
2 removed me from Gary's station on this aisle, I was placed on
3 Gordy's line of machines which are on a totally separate aisle.
4 I was a couple machines away from Gordy's office. When they
5 put me over here with Gordy, instead of Gary being over here on
6 his aisle of machines, which he's separated by a row of
7 machines facing that way, and then the row of machines on my
8 aisle facing me. Instead of being where he was at -- if he
9 needed to talk to Gordy all he had to do was come out of the
10 door, walk down the aisle right to Gordy's office. The back of
11 my machine, I wouldn't see him, my back would be to him.

12 Instead of doing that, when he came to see Gordy he
13 wouldn't come down the aisle behind me, he'd come down in front
14 of me in the next aisle, get to my machine, walk directly past
15 me in between my machine and then go to Gordy's office.

16 And the reference of stopping, instead of going in
17 Gordy's office and talk, they would come out and stand right
18 next to my punch press where I would be from here to there
19 where they are to have their conversations and just stand
20 there.

21 And instead of keeping going, he'd would slow down
22 and look like he's looking for something, looking for something
23 on the floor, and slowdown and make sure that I acknowledged
24 that he was there. I complained this to Ron. I told Ron there
25 are three aisles, if Gary wants to see Gordy he can go down his

1 own aisle, get to Gordy's office and not pass me or he can come
2 down the aisle behind me and the only way I would see him is
3 for me to know he's right there and turn around to see him and
4 go to Gordy's office.

5 Instead he bypasses that way and comes the farthest
6 possible way to get to Gordy's office to my machine where I'm
7 facing outward, now I see him. And instead of keeping going to
8 go to Gordy's office, you can walk in between each machine, he
9 walks right past me within five feet of my punch press, goes
10 between my machine and the next and then into this aisle that
11 he bypassed to get to this one and then into Gordy's office,
12 and it started happening

13 Q. Let me ask you this: When you were moved, pursuant
14 to your complaints, moved away from Gary Gephart, you ended up
15 with a machine that was relatively close to Gordy Phillips'
16 office?

17 A. Yes.

18 Q. Were you one of the closest machines to his office?

19 A. I would say there was at least -- I was working in
20 front of Gordy's office on this machine, and then I was one
21 machine over from Gordy's office.

22 Q. So you were either right next to or one machine over
23 from Gordy's office?

24 A. Yes.

25 Q. If I recall your testimony correctly from the

1 beginning of your deposition, I think you indicated that just
2 because a floor foreman may be assigned a particular row of
3 machines, doesn't mean he is not going to be a foreman as to
4 workers on another row of machines; is that correct?

5 A. Yes.

6 Q. So there is nothing improper per se with Mr. Gephart
7 being on or in an area of the row of machines other than the
8 row that he was specifically supervising that day, is there?

9 A. Correct.

10 Q. When Mr. Gephart is in another row of machines, one
11 other than yours, can you see him; can you see where he is?

12 A. Other than the row that I'm in?

13 Q. Right.

14 A. No. You divide -- the machines are back to back, so
15 the machines that are in his aisle would be facing west. The
16 machines in the next aisle are facing east back to back. I
17 mean, yeah. The machine I'm on it's vice-versa, it's farther
18 out. I'm facing away from him as I'm doing the majority of the
19 work.

20 Q. So then you don't have a good vantage point as to
21 what is going on in any other rows because you have these back
22 to back machines separating you, correct?

23 A. Yes.

24 Q. In addition to that presumably you are watching what
25 you are doing because you're doing an important job and you

1 need to pay attention to what you are doing, correct?

2 A. Yes.

3 Q. As far as Mr. Gephart going to and from
4 Mr. Phillips' office via some route other than behind you, you
5 would not be in a position to observe that, would you?

6 A. Please say that again.

7 Q. Generally, given that you are focused on your task,
8 and you have this row of machines separating other rows, to the
9 extent that Mr. Gephart is going to Mr. Phillips' office via a
10 different row than yours you would not be in a position to
11 observe that, would you?

12 A. Yes. The punch press is facing the aisle. If I'm
13 putting my part in to punch it and he walks down that aisle,
14 that would be the time I would see him. If I had to walk out
15 from my machine to get travelers from Gordy, ask Gordy a
16 question, get a drink from the water fountain that's right
17 there, I have access to that aisle. Working my job if I'm
18 facing the machine, the machine that I'm on, facing away,
19 that's looking towards another part of the shop, that's the way
20 he was coming from to make sure I saw him. There is no other
21 reason for him to come down that aisle. There's three other
22 ways for me not to see him.

23 Q. Well, I am not sure we are talking about the same
24 thing. The number of times that Mr. Gephart went to Gordy
25 Phillips' office via a route other than your row, would you be

1 in a position to know that?

2 A. I'm not sure if I understand.

3 Q. Tell you what, you were very helpful in illustrating
4 the configuration of the plant, unfortunately none of what you
5 drew with your finger on the conference table will be on the
6 record. Tell you what, here's a piece of paper and we will
7 mark that as an exhibit when you are done. Why don't you draw
8 for me the configuration of the rows and label for me where the
9 machines you were using typically were and where Gordy
10 Phillips' office was?

11 A. Okay.

12 Q. As you're drawing, Mr. Goodwine, I am reading over
13 your work there. I see you're labeling things machines,
14 plural. I see, you're referring to the entire row there so
15 each block is a single machine?

16 A. Yes, but there's more than this.

17 Q. I understand.

18 A. This would be the door, doorway. That's truck
19 traffic, foot traffic. Machines that are on Gary's aisle the
20 front of the machine where the pot would be would be facing
21 towards this aisle.

22 Q. I understand.

23 A. This would be a walking aisle.

24 Q. You've indicated which way the machine is facing by
25 drawing three arrows.

1 A. I would be working here.

2 Q. Looks like a 1X. Why don't you write your name,
3 write Goodwine in there.

4 A. Okay.

5 Q. You've labeled Gordy Phillips' office by writing
6 Gordy.

7 A. Yes. Okay. This is another aisle. The arrows
8 indicate the front of the machine which is where the part is.
9 For Gary to come to Gordy's office he could come this way and
10 enter right here, this way. And if I'm working over here -- I
11 should have put my name here because I was not right next to
12 Gordy actually.

13 Q. I think you indicated sometimes you were and
14 sometimes you weren't.

15 A. I worked directly in front of his office where I
16 could see him sitting, he could see me sitting. And I worked
17 alongside, he could come this way and come right in Gordy's
18 office. And anyone working from basically -- that isn't
19 working right next to Gordy would not know he came that way.

20 He could come this way, which more than likely 70
21 percent of the time if he came down this aisle to Gordy's,
22 straight to Gordy's office, my back would be turned. The only
23 instance where my back would be facing him is when after I
24 grabbed the part out and I broke the flash off. I would turn
25 this way to put it in the punch press, which I'm facing that

1 way out, put the part in, punch it, I take it out, I'm turning
2 back this way now and back this way to put it in the box. So
3 that is like five, ten second tops out of a minute that I would
4 be facing this aisle. He could have came this way.

5 Instead of coming this way he would go like this,
6 and this is what I told Ron, he'd come all the way this way,
7 come down this aisle, when he got to my machine he came between
8 my machine and the next machine and they either stopped and
9 talked right there or stopped and talked up here or he went
10 right here to Gordy's office. And to walk between my machine
11 and the next machine you have to walk between hoppers and
12 metal, you have to maneuver between cords, wires, parts, and it
13 is really not a safe walkway to the aisle.

14 Q. Correct me if I'm wrong, I am going to draw little
15 arrows on the line that you indicated that you thought
16 Mr. Gephart would use.

17 A. Fine.

18 Q. You wouldn't know whether Mr. Gephart always used
19 this path to get to Gordy's office because you were doing your
20 job and you're not watching to make sure -- you didn't have
21 Mr. Gephart under surveillance?

22 A. No. I didn't have time for that, I didn't.

23 Q. You were busy doing your job?

24 A. Yeah, and parts are coming.

25 Q. And it wasn't uncommon, was it, for supervisors to

1 be in various locations on the shop floor together talking, was
2 it?

3 A. No.

4 Q. Really your objection is to the route that
5 Mr. Gephart took to get to Gordy's office because it took him
6 in proximity to your workstation?

7 A. It took him, yes, out of his way, way out of his
8 way.

9 Q. Did he ever say anything to you when he walked by?

10 A. He just smirked.

11 Q. What do you mean by smirked, smiled?

12 A. When I realized -- when I'd be facing this way and I
13 realized and look up and he's standing there, he made sure I
14 made eye contact, and this is what I would see (indicating),
15 then he would walk away.

16 Q. I can't get a grin on the record, so we will leave
17 it as it is. He never said anything to you, but you perceived
18 him to be smirking in your area, correct?

19 A. Yes.

20 MR. LANZILLO: Why don't we go ahead and mark that
21 as Goodwine Exhibit 2.

22 (GOODWINE EX. 2 - DIAGRAM,
23 marked for identification.)

24 A. I will mark east, west, north and south for you too.

25 Q. That would be great. On the last page of Exhibit 1,

1 your charge of discrimination, the very last sentence of the
2 text states, I have learned from other coworkers that
3 Mr. Gephart has threatened violence against black coworkers and
4 those that associate with them. Could you tell me to what you
5 are referring in that sentence?

6 A. After it had gotten out that I reported Gary about
7 the comments, I had other white employees that worked other
8 shifts that I really have no association with, because they
9 worked first, I work second, told me that if I am in question
10 about him being a racist, don't be, that he has told them
11 directly that -- and I can give you the employee, it's in the
12 EEOC file, but his first name is Glenn. He has a camp near
13 Mr. Gephart's and Glenn has a black friend, whose name is Ron
14 Oliver, and they go to Glenn's camp together. Glenn informed
15 Gary that, hey, my camp is near yours and Ron and I were
16 thinking about stopping over to your camp. And he told Glenn
17 that if you do I'll shoot you both because I don't deal with
18 their kind, them kind, their kind. I don't associate with
19 them. And those are Glenn's direct words that Gary said he
20 would shoot him and Ron if he brought him to his camp.

21 Q. Did Mr. Gephart ever make comments to that effect in
22 your presence?

23 A. No.

24 Q. This was information provided to you by Glenn?

25 A. Yes, it's in the EEOC file, it should be.

1 Q. When did you first become aware of those comments,
2 during the EEOC investigation?

3 A. After about a week or so after it went around that
4 Gary was reported that Glenn came to me. It was between
5 shifts, I was coming in and he was leaving.

6 Q. Did Glenn tell you where he and Gephart had that
7 conversation?

8 A. No, he didn't.

9 Q. After that information was reported to you, did you
10 discuss it with anyone else?

11 A. I believe I may have said something to Greg Bible
12 and the EEOC, but other than that not to my recollection.

13 Q. Do you know whether Glenn ever reported that
14 statement to anyone at PHB?

15 A. I don't believe so. I'm not sure.

16 Q. Do you have any reason to believe that Mr. Gephart
17 ever made any workplace threats of violence?

18 A. As far as?

19 Q. He would harm any employee of PHB?

20 A. I was told to be worried.

21 Q. Well --

22 A. As far as that, no.

23 Q. Who told you to be worried?

24 A. Many coworkers, people that previously worked there
25 and people that knew him to be a hunter, and his drinking, and

1 his character, because I really didn't know him that well
2 personally.

3 Q. You have no knowledge of any facts to indicate that
4 Mr. Gephart has ever acted violently toward any persons?

5 A. No.

6 (GOODWINE EX. 3 - HARASSMENT QUESTIONNAIRE,
7 marked for identification.)

8 Q. Let me to show you what we have marked as your
9 Deposition Exhibit 3. Can you identify that document?

10 A. Yes.

11 Q. This is, correct me if I'm wrong, this is a
12 harassment questionnaire that you completed in connection with
13 your charge to the EEOC?

14 A. Yes.

15 Q. That's your signature on the last page of Exhibit 3?

16 A. Yes, it is.

17 Q. Take a minute and read through it and see if there
18 is anything in here that you perceive to be incorrect or that
19 you would want to change.

20 (Brief pause.)

21 A. No, there is nothing that I need to change.

22 MR. LANZILLO: Jeff, did you bring your answers to
23 interrogatories with you today?

24 MR. CONNELLY: No, I didn't.

25 MR. LANZILLO: I can either read him what I'm

1 interested in, but if you prefer to have it in front
2 of him as we're going through maybe you would want
3 to take it out of your car. Whatever you prefer.

4 THE WITNESS: You can read it, that's fine.

5 Q. You recall, Mr. Goodwine, that I served written
6 questions called interrogatories and requests for production of
7 documents upon your counsel, which I assume was provided to you
8 and you reviewed and helped prepare information in response to
9 that request?

10 A. Yes.

11 Q. In response to interrogatory No. 4, which states in
12 your Complaint you allege that you were, quote, subjected to a
13 pervasive and continuing hostile environment consisting of
14 racial discrimination through the regular communication of
15 racial slurs, racial graffiti in the workplace and disparit
16 treatment. With respect to these allegations state the
17 following, and then Subpart A was each and every fact upon
18 which you base these allegations.

19 Your response was -- well, there's an objection, you
20 talk about the bad boy list, which we discussed. You say that
21 Mr. Goodwine was refused disability insurance unfairly and
22 unjustly. What are you referring to there?

23 A. When I was in the automobile accident in July of
24 2003, I applied for my S&A benefits like you normally would.

25 Q. Let me stop you there, and I'll let you finish your

1 answer, but I would like to save some time. Is this the S&A
2 benefit issue which we already discussed early in the
3 deposition, the one that was subject to a grievance?

4 A. Yes.

5 Q. Let me rephrase that question. I am not sure
6 whether it was a grievance or not, but it was one we were
7 talking about earlier where you had a period of time where you
8 were off work, you were released to return to work, you then
9 had a voluntary layoff, you came back for a short period of
10 time and then you went off work again and that's when you
11 submitted a claim for S&A benefits?

12 A. Yes.

13 Q. Is that the only instance where you believe you were
14 improperly refused disability insurance, or to use your words,
15 unfairly and unjustly refused disability insurance?

16 A. Yes.

17 Q. The next reference is being required to work on a
18 machine that had injured Mr. Goodwine and was continuing to
19 injure him with electrical shocks. When did that occur?

20 A. December, I want to say 14th, 2003. I may not be
21 exact with the date, but it was in and around about that week,
22 December 13, 14. It was a Saturday, it was overtime.

23 Q. What happened?

24 A. I was working on the machine.

25 Q. When you say working on the machine, were you --

1 A. I was running the machine. It was shutdown time for
2 lunch, and you have to go over and shut the machine off and
3 shut it down. When I went over to shut the machine down, you
4 have what you call a pot skimmer that skims the ash off the
5 metal, you are required to clean that frequently. I stuck the
6 skimmer in the pot, skimmed the ash off, and felt a slight
7 tingling. I don't know, we work with gloves so I continued to
8 skim. And when I skimmed the second time my hand started
9 turning numb and the machine went pop, a big blue pow, sparks
10 blew right off the metal rod like I was welding or something.
11 I threw it.

12 I was working next to John Garfield. He saw it and
13 heard it. He was like, what was that. I said I just got
14 shocked. I can't feel really my fingers. The machine I was
15 working on Gary Gephart and Pat Camp were -- their office was
16 right directly in front of me in the window. I immediately
17 went over and I told them, I said something is wrong with the
18 machine. I just got shocked. They said what were you doing.
19 I said I was skimming the pot and my fingers are numb. I just
20 got shocked. John Garfield confirmed what I said and said,
21 yeah, blue sparks blew out and he threw the rod.

22 So Gary went over to check it out and he went up
23 there with the skimmer and said he didn't feel nothing. I
24 said, I'm not shutting that machine down I just got shocked. I
25 said, I'm not getting up there and shutting that thing down. I

1 said, frankly, I said my fingers are tingling. So they shut it
2 down and Gary said he was going to have maintenance come out
3 while I was on lunch to look at it.

4 Q. Did they say anything else to you at that time? By
5 they I mean Gary Gephart or Pat Camp prior to you going to
6 lunch?

7 A. No.

8 Q. So to make sure I understand this, you are shutting
9 down for lunch and as part of that you were going to skim the
10 ash off the pot, which is a regular --

11 A. Yes. The molten metal has an ash that builds up
12 that if you let that go into the machine it could cause the
13 part to blow up because it's not the actual metal and you're
14 required to skim that frequently.

15 Q. As you were skimming the ash there was a pop and you
16 saw like blue light, like an electric-type of shock?

17 A. Yes.

18 Q. You reported that to Pat Camp and Gary Gephart?

19 A. Yes, at the same time. They were sitting in the
20 office directly in front of me.

21 Q. You told them, I'm not going to shut this machine
22 down, correct?

23 A. Yes.

24 Q. Gary Gephart came out and started inspecting,
25 skimming it himself?

1 A. He asked what happened. I says -- he asked -- the
2 rod that we skim the pot with I threw it in the aisle because
3 when it popped I let it go and it flew. He's picking it up and
4 I said, it just shocked me. He said, what were you doing? I
5 said, I was skimming. And I said, if that thing is shocking me
6 like that, I said I really can't feel my fingers. I'm not
7 touching that thing until someone comes out here. He walked up
8 on the platform. He said, did you stick it in the metal or
9 what were you up against? I said, I was skimming the pot. So
10 he put the skimmer back on the pot. He went around once,
11 nothing happened. He went around twice and he dropped it and
12 let it go. He said, oh, there's some kind of static
13 electricity and he threw it down. He said, I am going to get
14 maintenance out here while you are at lunch.

15 Q. Mr. Gephart then, I mean he didn't ask you to go do
16 it again, he picked up the skimmer and did it himself?

17 A. Yes.

18 Q. At that point -- and he is asking you the questions
19 in terms of what happened, trying to assess the problem?

20 A. Yes.

21 Q. As part of his assessment he physically undertook
22 the task that you had undertaken, correct?

23 A. Yes.

24 Q. Then once he perceived that there was an issue,
25 acknowledged there was static electricity or some other

1 problem, he told you we will get maintenance up here to check
2 on it?

3 A. Yes.

4 Q. Did you go to lunch?

5 A. I went to my scheduled lunch, but I went to look for
6 a first responder because I was on the first aid team, but you
7 can't treat yourself. I went to the nurses' station and I
8 didn't see anyone. I asked Bruce Zeigler, who he is in
9 maintenance, he was on the medical first aid team also. He
10 said that Pete Lindsley had just came in, he's a union steward
11 and also on the first aid. He said, try to find him, he just
12 came in at 7:00. I had Pete paged, went up front and had him
13 paged and no answer, no answer. I walked around during my
14 lunchtime looking for someone to write-up the first aid thing
15 for me getting shocked.

16 Lunch expired, I hadn't found anyone. When I came
17 back out to the machine Bruce said, did you find anyone, he is
18 from maintenance he came out with Bill Diehl. And I said no.
19 He said I will continue to call Pete for you to find someone
20 that can write this up.

21 When I came out on the floor Pat Camp was standing
22 at the machine and Gary, they had the machine running. He
23 says, you can continue to run the machine until maintenance
24 gets out here. I said, I'm not touching that machine. I just
25 got shocked. I said, my hands are numb, my fingers are numb,

1 my arms are hurting. I said, I am not doing anything until I
2 get somebody from medical to write this up.

3 He said, well, you're going to run the machine, and
4 parts were coming out and they were falling on the floor. I
5 let them fall on the floor. I said, if you're going to write
6 me up for damaged parts, write me up. I am not touching
7 anything until I get a medical person to treat what the heck
8 just happened to me. I just got shocked. I am not touching
9 anything on this machine.

10 Q. Is this after lunch?

11 A. Yes. Right immediately following. Maintenance
12 hadn't gotten there yet because they were on lunch, the same
13 lunchtime we were on. So from 7:30 till about 8:00 they ran
14 the machine until Pete Lindsley finally came over. The guy
15 from maintenance I was telling you about that was helping me
16 call, he finally got a hold of Pete and Pete told them to shut
17 the machine down, he was taking me in to write-up a medical
18 evaluation, first aid, of what happened.

19 Q. Who ultimately ended up working at the machine,
20 anyone?

21 A. No. The maintenance found the pot 440-some volts
22 wasn't ever grounded. They found the trucker that was pouring
23 the metal said something was wrong because when he poured the
24 molten metal in there there was static electricity charging
25 going on. It was deemed to be not runnable, not safe at all.

1 Q. The problems with the pot --

2 A. The pot was not grounded that holds the metal. It
3 wasn't grounded to anything and it was creating a charge.

4 Q. The pot is in one area of the machine and that's
5 what's used then to fill the mold, correct?

6 A. Yes. The pot is on the front of the machine. It is
7 at the control center. The pot is up front. The ladle goes
8 in, picks up the metal, pours it in. When you have to shut the
9 machine or start it or cycle it, you're standing on a metal
10 platform that's connected to the pot and the machine, and
11 you're leaning on the pot working the manual control buttons,
12 which your like that much space between you.

13 Q. So it's during this start-up or shutdown phase when
14 you are coming in contact with the pot, correct?

15 A. And not only that, the machine will break cycle. If
16 you have a bad machine, it will shut down every five, ten
17 minutes, it happens. But also you have to every time the metal
18 man comes to fill the pot with new metal you have to go over
19 and skim the ash off the top, which could be eight to ten times
20 a day in between the start-up and the shutdown and the machine
21 breaking cycle.

22 Q. When you say eight to ten times a day, you mean
23 eight to ten times a shift?

24 A. Yes, yes.

25 Q. You declined to work on that machine at all for the

1 rest of the day; is that correct?

2 A. I declined to do anything with touching that machine
3 until I had a first aid come over to tell me, write-up a report
4 and explain to me why my hands are going numb. This machine
5 not being grounded, that pot makes the whole machine
6 ungrounded, unsafe, especially when you're working with metal,
7 metal hopper and everything. I stood there and they let the
8 machine run and he let the parts run on the floor. I said I
9 can't even feel these parts to pick them up in my hands, my
10 hands were so numb. I could grab the part and not even know I
11 had it in my hand.

12 Q. And that's Pat and Gary you say let the machine run?

13 A. Yes.

14 Q. Who observed this, if anyone?

15 A. Bruce Zeigler, John Garfield, Bill Diehl and Pete
16 Lindsley.

17 Q. Did you have any burns on your hands?

18 A. No.

19 Q. So you're saying your hands were numb. How long did
20 your hands and arms stay numb?

21 A. Days following.

22 Q. Days?

23 A. Yeah.

24 Q. More than two days?

25 A. About four.

1 Q. Did you seek medical attention?

2 A. Yes. Ron sent me Monday, that following Monday, to
3 St. Vincent.

4 Q. Did they admit you at St. Vincent?

5 A. No.

6 Q. What did they do?

7 A. The guy, the doctor, told me to take a pain reliever
8 relaxant because the muscles from being shocked was spasming
9 and tightening up.

10 Q. That was at St. Vincent?

11 A. I believe so, the Fast Track.

12 Q. I didn't know Fast Track was still open. Oh, Fast
13 Track off the emergency room?

14 A. Yes, yes.

15 Q. So they told you to take over-the-counter pain
16 relievers, muscle relaxants like Motrin?

17 A. Yes. And told me to basically keep it moving.

18 Q. Did you miss some work after that?

19 A. I don't recall I missed that time that I was in --
20 that I was sent to St. Vincent. I continued my working day
21 that Saturday and I was scheduled for Sunday. And I asked the
22 question to the union if I miss tomorrow, which is Sunday, am I
23 going to -- they're going to give me points for that being
24 overtime as a call in. So I had to come in, finish Saturday
25 and come in Sunday. Monday when I came in I immediately told

1 Ron, I said, my arm is still bothering me. He said, do you
2 want to go to the emergency room. I said, I want to be seen
3 because my arm is killing me, and he sent me.

4 Q. Okay. After you went to the emergency room did you
5 seek any further care for that shock?

6 A. None that I can remember. It dissipated after that
7 week.

8 Q. Was this -- I'm sorry, you told me this but I can't
9 recall, was this a Friday or Saturday when you were shocked?

10 A. It was a Saturday, I believe.

11 Q. You then went to the hospital on what, Monday?

12 A. Yes.

13 (GOODWINE EX. 4 - STATEMENT,
14 marked for identification.)

15 Q. Let me show you a document that I marked as your
16 Deposition Exhibit 4. Tell me if you recognize that.

17 A. Yes.

18 Q. Could you identify the statement for the record,
19 please, what is this?

20 A. These are the notes regarding the December 13th
21 incident that we just spoke about.

22 Q. Is this your handwriting?

23 A. This is my writing.

24 Q. When did you prepare Exhibit 4?

25 A. I can't remember when I prepared it exactly.

1 Q. At that top of Page 1 of Exhibit 4 there is a date
2 December 13, 2003, Saturday overtime. It's fair to say,
3 though, that this document was not prepared on December 13th?

4 A. No, this document was not.

5 Q. We know that because on Page 2 there is also some
6 information dated Friday, April 23rd, which, am I correct, that
7 would be April 23, 2004?

8 A. Yes. These documents were prepared for my attorney
9 from my notes.

10 Q. When you say from my notes, do you still have those
11 notes?

12 A. Some things I've written down, yes.

13 MR. LANZILLO: I would ask for those as well.

14 MR. CONNELLY: Yes.

15 Q. You prepared this in connection with an anticipated
16 claim against PHB? When I say this, I am referring to Exhibit
17 4.

18 A. What do you mean anticipated claim?

19 Q. In other words, you were summarizing information for
20 your attorney in preparation for a potential claim against PHB?

21 A. I had to have documented, written down for him
22 instead of verbatim, word for word, this was written down for
23 him.

24 Q. And it would appear this document, Exhibit 4, was
25 prepared on or after Friday, April 23, 2004. Do you have any

1 recollection of how long after April 23, 2004 that you prepared
2 this?

3 A. Can't recollect exact date.

4 MR. CONNELLY: When I send you his notes, if I can
5 give you an approximate date when I received it --
6 if that will help you.

7 Q. Were you asked to prepare this?

8 A. Yes.

9 Q. By whom?

10 A. By my attorney.

11 Q. Attorney Connelly?

12 A. Yes.

13 Q. When did you retain Attorney Connelly?

14 A. After I received the EEOC file back from --

15 MR. CONNELLY: After the EEOC determination?

16 THE WITNESS: Yes.

17 Q. On the second and third page of Exhibit 4 under the
18 heading Friday, April 23rd, we know that is 2004, it states, I
19 was approached by Jim Henry first shift utility. He told me
20 that while I was on leave a threat was made regarding me. He
21 said he was inquiring about a hole that was being dug in the
22 new toolroom. He asked why was it so big and what was going in
23 it. The reply from Bill Darnell, maintenance supervisor, was
24 that, quote, he would like to put me in it, period, close
25 quote. Jim said he reported this immediately to Jay Smith,

1 union steward. Nothing was ever done about this incident until
2 I called Mr. Smith on April 26th about 10:00 a.m. Mr. Smith
3 said that he didn't take the comment too seriously, and that I
4 shouldn't. I told him under the circumstances everything said
5 about me is taken seriously considering all that I am going
6 through. He said he would report it to human resources and he
7 did.

8 I guess my question is: Did you understand that the
9 reference to putting someone in the big hole was a reference to
10 you?

11 A. Yes.

12 Q. Who is Bill Darnell?

13 A. Maintenance supervisor.

14 Q. Did you have any problems with Bill Darnell?

15 A. No.

16 Q. Did you have any conversations with Mr. Darnell
17 other than routine work-related conversations?

18 A. No.

19 Q. Is it your perception that Mr. Darnell does not like
20 you?

21 A. Yes.

22 Q. Any idea why he doesn't like you?

23 A. Yes.

24 Q. Why do you believe he does not like you?

25 A. A lot of people since I filed this has -- people

1 that I've never talked to, had any contact with, have either
2 said or done dumb things told to other people or about me,
3 gathered assumptions based on me filing this about me that have
4 their own personal opinions about this lawsuit and has their
5 own personal reason to be upset or mad at me or not like me
6 because I stood up for myself. I can directly tell you what
7 Bill Darnell told me sitting across the table in human
8 resources, that he did say that the hole was meant for dead
9 wood and dead beats and people filing frivolous lawsuits
10 against the company.

11 Q. So he indicated directly to you that he thought your
12 claim was frivolous?

13 A. Yes. This was the meeting with Greg Bible, Ben
14 Hancock and human resources.

15 Q. Mr. Darnell never said anything to you or did
16 anything to you that caused you to believe that he made that
17 comment based on your race, did he?

18 A. No.

19 Q. It is your understanding that he made this comment
20 based on his perception that your claim, your lawsuit, did not
21 have merit?

22 A. I believe so.

23 Q. In your answer to interrogatory No. 4 and the basis
24 for your discrimination claim you state, quote, being required
25 to perform menial work that was not within his -- I assume

1 that's a reference to your job classification -- while work
2 that was in his job classification was available. What are you
3 referring to when you describe menial work?

4 A. I was on restricted duty at the time.

5 Q. Light duty? Is that what you mean by restricted
6 duty?

7 A. Yes.

8 Q. I don't know what the term of art is at the company.

9 A. That's fine.

10 Q. Based upon your --

11 A. I was required to not do anything, I believe with my
12 right hand at that time because I had a cyst or whatever on my
13 wrist.

14 Q. Let me stop you there for a minute before you move
15 on. So you were on restricted or light duty based upon some
16 physical condition that you had reported to the company?

17 A. Yes.

18 Q. They accommodated your restrictions by putting you
19 on restricted or light duty status?

20 A. Yes.

21 Q. Go ahead.

22 A. I was in inspection inspecting parts, which were
23 under the conditions I could use both hands, they were small
24 parts. My job that day was to inspect parts that came from the
25 machine of John Yacobozzi. My job was to inspect these parts

1 to make sure they had no defects. When I ran out of parts, I
2 was to report to Mr. Yacobozzi to make sure the machine didn't
3 have anymore defective parts to come out to inspect further. I
4 inspected those parts for approximately the first half of the
5 shift.

6 Upon going to lunch I went to my locker and my
7 locker is right next to Ron Sayers, the supervisor. I told
8 Ron, I am getting pretty close to finishing inspecting these
9 parts. John doesn't have anymore parts for me to inspect. I
10 asked him already. Who do I report to now that you're leaving
11 at 6:30? Who do I report to for something to do? He says, go
12 to the timekeeper's office or ask Greg Bible, which is the
13 union president, he is in inspection on the zinc side to see if
14 he has any work for you. I said, okay, I want to make sure so
15 I have something to do the last four hours.

16 After lunch I went back and finished the parts and
17 went back to Mr. Yacobozzi, just to make sure there aren't
18 anymore parts, and you have nothing else for me to do before I
19 seek other -- some other job under my classification that I can
20 do, and it was about 8:00. He said, no, I have nothing for
21 you. So I went to the timekeeper. I turned in the counts of
22 the parts I inspected, said I am finished with this job.

23 Ron Sayers told me, informed me, to either find
24 other work in inspection or ask the timekeeper, which I was
25 speaking to, if you have anything else for me to do. He said,

1 I really don't know if I have anything. He said what were you
2 doing the other two days prior to inspecting. I said I was in
3 the tool crib helping Chris Byers earlier that week prior to
4 inspecting. He said, well, if you want to go in there and help
5 him, there's normally two people in there and he is by his
6 self, you can, and I will punch you in for tool crib. I said I
7 want to let someone know, and the tool crib is directly cross
8 from the office, it's probably ten yards. I went in and let
9 Mr. Byers know that I was going to assist him the last two
10 hours of the shift.

11 He was explaining to me what he wanted me to help
12 him to do when John Yacobozzi stormed in the tool crib and
13 asked me what the hell was I doing in there or what are you
14 doing in there. I said, I was told to come in here. He said,
15 well, we'll see about that and he stormed out. He went into
16 the office to the tool crib, I mean the timekeeper's office so
17 I followed him and I says, I'm not hiding. I let people know
18 where I'm at, this was where I was assigned to. I don't need
19 you to follow up to see if I'm lying. This is where I said I'd
20 be, and this is where I was told to go and this is what I'm
21 doing. I don't need you coming in storming at me asking me
22 what I'm doing.

23 One, Ron didn't leave you in charge. I asked Ron
24 who I reported to when he left at 7:30. And two, Mr.
25 Yacobozzi, I just came to you not even a half hour ago and

1 asked you if you had more work for me to do and you told me no.
2 I says, and I didn't have to report to you, I did out of chain
3 of command because I was already working on your parts just to
4 make sure before I go take on another assignment that you
5 didn't have anything else for me to do. I said, at that point
6 you could have gave me another assignment. There's no need for
7 you to come in here telling me we'll see about that now I am in
8 the tool crib.

9 So he gets on the phone, and I went in the tool
10 crib, I waited in the office with him. He went in Ron's
11 office. He made a phone call and he come back out and he goes,
12 follow me. So we left out of the timekeeper's office, he goes
13 back to the tool crib and he tells the guy that I was just
14 helping, give me degreaser and some rags. I said, what is that
15 for? You're going to wash my machines and he started laughing.
16 I said, you think that's funny? I'm not washing no machines.
17 I said, I'm not here to play games with you. He said, you're
18 going to like this, you're going to wash my machines. I said,
19 you think you're funny, you know, I do not have time for this.
20 I am going to go over and talk to Greg Bible, the union
21 steward, the president.

22 I left him standing there and I went over and I
23 explained to Greg what was going on. Greg said, no, that
24 doesn't sound right. If you're done with inspection on the
25 aluminum side, I have work for you over here on this side that

1 is in your duties, and explain to him these are parts that need
2 to be put out. It's production, they need to get out of here.
3 No one has been able to get to them because we are short on
4 manpower. I said, okay, I will go back and tell him.

5 I go back and told Mr. Yacobozzi that I am needed on
6 the zinc side by Mr. Bible to help him with inspection of
7 parts. He goes, no, you're not, you're coming out here and
8 you're going to scrub monitors with this degreaser. I said,
9 you know what, I'm calling Ron at home myself. He said Ron
10 said that's what you need to do. I said, when Ron left, I
11 spoke to Ron. He said, well, I called Ron and he told me to
12 make you wash monitors. I said, did you explain to Ron that I
13 was already on the job that you pulled me off for no reason?
14 Did you explain to Ron that there's further production for me
15 other than to wipe monitors? And further more, there are ten
16 guys since 3:00 have been walking around here on cleanup duty
17 out there in die casting that would normally wash monitors,
18 have not and it is now 8:30, 9:00. You have not made one of
19 those persons wash a monitor and you're pulling me from
20 somewhere else to make me wash monitors. I said, something is
21 not right, something is not right about that, so I am calling
22 Ron.

23 I called Ron, and I explained to Ron, were you aware
24 that I was doing something. No, I wasn't. He just called me
25 and said he needed to put you somewhere and he said he was

1 going to have you wash monitors so he says I confirm that. I
2 said, Ron, do you understand what you're saying? I have work
3 to do in inspection with Greg Bible, the union president. He
4 has a job for me. I was on a job when Yacobozzi came and just
5 for no reason pulled me off of two jobs and telling me I need
6 to wash monitors.

7 I said, Ron, you have ten guys on cleanup that have
8 been walking around for eight hours with a broom and not washed
9 a monitor, and you have not asked one of them to wash a
10 monitor, and you're going to make me wash monitors. He said,
11 well, that could be production too. I said, well, how is that
12 production when there are parts that need to be put out and I
13 can work on them like I've been doing all shift, and now you
14 want me to degrease monitors with one hand. He goes, yeah.

15 I said, okay. If that's what you want me to do, I'm
16 going to do that the last hour, but I'm letting you know Monday
17 morning at 9:00 a.m. Ben Hancock will be getting a phone call
18 about this incident. I said, so there's no hearsay, no
19 wondering, you have from now to Friday to realize what you just
20 said to me and what Yacobozzi just did because Monday at 9:00 I
21 am calling.

22 And Greg Bible came in and spoke to Yacobozzi and
23 said I don't understand why you're doing this to him when I
24 need him over here. He goes, no, I called Ron Sayers and
25 that's what he is going to do. Ron said it, and I'm going with

1 Ron. He said, did you explain to Ron that he was already
2 working and you pulled him off a job to put him on something
3 like that, did you explain to Ron I had work for him? No, I
4 don't have to do that.

5 Q. When you talk about degreasing monitors, that is
6 something that is done periodically in the plant?

7 A. No, rarely.

8 Q. Well, is it no, it's not done periodically or it's
9 rarely done, which one?

10 A. I have seen it done but not often.

11 Q. You were on light-duty status or restricted duty
12 status, you were not in a position to do your regular job
13 responsibilities, correct?

14 A. Yes.

15 Q. You had finished up your task with Yacobozzi,
16 correct?

17 A. Yes.

18 Q. I'm sorry, what was that task again, what were you
19 doing?

20 A. Inspecting parts for defects.

21 Q. You were then working in the tool crib where there
22 was another employee working?

23 A. Yes.

24 Q. And Yacobozzi pulled you out of the tool crib and
25 put you on this task of cleaning machines or degreasing

1 monitors?

2 A. Yes.

3 Q. Your objection was that you had looked into it with
4 Mr. Bible and there was other inspection work to be done on the
5 zinc side?

6 A. Yes.

7 Q. You went somewhere to get on a telephone to call Ron
8 Sayers?

9 A. I called Ron right from the office.

10 Q. Where was Ron Sayers at the time?

11 A. Home.

12 Q. You called him at home?

13 A. I called him at home.

14 Q. Did you say to Yacobozzi, I'm not going to do this,
15 I'm calling Ron Sayers to talk to him about it?

16 A. No. I explained to Mr. Yacobozzi, I said, did you
17 explain to Ron the whole situation, that I wasn't just walking
18 around and that you didn't find me hiding, I was doing what I
19 was told. I said, does Ron have a clear understanding of what
20 my duties were before you pulled me off of a job? He said, no.
21 I said, I want to hear from Ron's mouth himself. If this is
22 what I am going to do, if I'm going to do this job it's going
23 to have to come from Ron because that's what he said. So I
24 called Ron to confirm it.

25 Q. Where did you call him from?

1 A. The phone in the office.

2 Q. Ron told you to, what, follow Yacobozzi's
3 instruction?

4 A. He said, go ahead do what John asked you to do.

5 Q. You said, okay, but come Monday I am going to be in
6 Greg Bible's office looking into this?

7 A. No. I said, okay, I am going to call human
8 resources and I'm going to let Ben Hancock and them know what
9 is going on come Monday morning.

10 Q. Okay. When did all of this occur, do you remember?

11 A. I believe that was February of this year 2004. I
12 can't think of the exact date, it's in the file.

13 Q. Did you file a grievance over that assignment?

14 A. No, I didn't ask for a grievance to be filed. Under
15 the circumstances of what was going on with me and the
16 incidents happening in that company a grievance was petty and
17 wasn't going to do anything. It was a waste of time. It was
18 being looked into. Since the incident happened in front of the
19 union president he was going to look into the matter and have
20 something done about it.

21 Q. You did understand the grievance process under the
22 collective bargaining agreement?

23 A. Yes. I was also told that grievances can sit there
24 for two, three or four years before they even decide to even
25 meet on it.

1 Q. Who told you that?

2 A. Union president.

3 Q. Greg Bible?

4 A. Yes.

5 Q. So Monday did you go to see Ben Hancock?

6 A. I called them from home first thing.

7 Q. What did you say to Ben Hancock?

8 A. I explained to him everything that happened with me
9 being pulled off the job, me calling Ron at home, what Ron told
10 me to do. And told him exactly what I told Ron, that I was
11 calling you Monday morning at 9:00 a.m. or 8:00 a.m., as soon
12 as they got in, and be prepared to be called up front and
13 explain why they are changing my job assignment to do cleaning
14 when you have ten guys walking around doing nothing that are on
15 cleaning detail.

16 Q. When you say there were ten guys on cleaning detail
17 doing nothing, are you saying there were ten guys standing
18 around doing nothing?

19 A. Doing what they want to do, meaning not doing
20 productive work. I don't mean nothing just sitting there
21 having a cigarette. I mean there was at least ten guys with
22 their machines not running that night that were required to
23 walk around and sweep or cleanup whatever they seen fit to be
24 cleaned. It's their discretion what they would like to clean
25 unless given specific cleaning duty.

1 Q. What did Ben Hancock say in response to your
2 complaint?

3 A. He was going to look into the matter and get back to
4 me.

5 Q. Did you have any further conversation with
6 Mr. Hancock?

7 A. I believe so. Mr. Hancock got back to me and
8 reported that he was going to schedule a meeting with
9 Mr. Hilbert on the matter, and that he had talked to Ron and
10 Mr. Yacobozzi and someone would be getting back to me.

11 MR. LANZILLO: I need to take a short break.

12 (Brief recess.)

13 MR. LANZILLO: Back on the record. Given the
14 lateness of the hour and some commitments that I
15 have and the somewhat late start that we got today
16 we have agreed that we are going to adjourn the
17 deposition and reconvene at a mutually convenient
18 time, which I have agreed can be late in the day or
19 evening if that's convenient for Mr. Goodwine or
20 another Saturday given his new work commitment at
21 General Electric. Fair enough?

22 MR. CONNELLY: Yes.

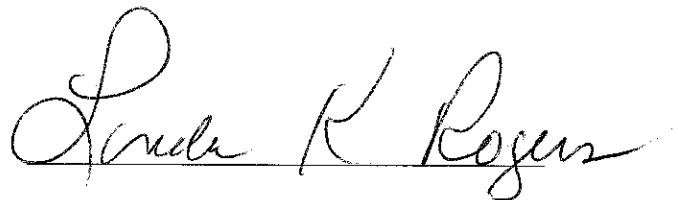
23 (Examination adjourned at 2:30 p.m.)

24 * * *

25

C E R T I F I C A T I O N

I, Linda K. Rogers, Shorthand Reporter
and Commissioner of Deeds in and for the Commonwealth of
Pennsylvania, do hereby certify that I recorded
stenographically the proceedings herein at the time and
place noted in the heading hereof, and that the
foregoing is an accurate and complete transcript of
same to the best of my knowledge and belief.



Linda K. Rogers

Linda K. Rogers
Commonwealth Of Pennsylvania
Commissioner Of Deeds
My Commission Expires 11/06

Dated: February 7, 2005

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-V- valve [6] 76:4 77:6 77:15 77:16 77:24 78:24 valves [7] 76:13 76:18 76:21 76:22 76:22 78:2 78:15 vantage [1] 101:20 various [2] 17:8 106:1 vary [1] 26:22 vehicle [18] 8:17 8:19 9:7 10:7 10:11 10:23 11:21 35:3 35:6 35:10 35:14 35:19 35:22 36:25 37:14 37:16 41:6 41:17 verbal [1] 4:3 verbally [1] 31:24 verbatim [1] 121:22	-W- wages [2] 12:12 17:13 waist [1] 78:3 wait [5] 6:4 6:5 32:21 73:21 81:24 waited [1] 128:10 waiting [1] 83:14 walk [9] 28:25 99:10 99:14 100:8 102:14 105:10 105:11 106:15 134:23 walk-through [1] 62:19 walked [10] 60:19 76:25 77:1 77:2 77:6 77:10 89:3 106:9 114:7 115:13 walking [6] 98:14 103:23 129:16 130:8 132:17 134:14 walks [2] 100:9 102:13 walkway [1] 105:13 wall [2] 29:7 29:9 wants [2] 4:5 99:25 wash [10] 128:15 128:18 129:12 129:17 129:19 129:20 130:1 130:6 130:9 130:10 washed [1] 130:8 washer [1] 25:20 washer/trim [1] 26:3 washing [1] 128:16 waste [1] 133:17 watch [2] 97:15 97:21 watched [2] 73:17 75:11 watching [3] 98:14 101:24 105:20 water [7] 76:11 76:16 76:17 76:19	-X- x-ray [5] 95:25 96:24 97:4 97:6 97:9 x-rays [3] 96:1 96:3 96:6	-Z- Zeigler [2] 115:8 118:15 zinc [13] 29:4 29:6 29:14 29:15 70:13 71:16 71:17 71:18 71:21 71:23 126:13 129:6 132:5	

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

☐ FEPA
☒ EEOC

172-2003-00962

Pennsylvania Human Relations Commission

and EEOC

State or local Agency, if any

Home Phone No. (Incl Area Code)

Date of Birth

Name (Indicate Mr., Ms., Mrs.)

(814) 454-5049

07-19-1970

Mr. Cari M. Goodwine

City, State and ZIP Code

Street Address

2905 Pennsylvania Ave. Erie, PA 16504

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

No. Employees, Members

Phone No. (Include Area Code)

201 - 500

(814) 474-5511

PHB DIE CASTINGS, INC.

City, State and ZIP Code

Street Address

7900 West Ridge Road Fairview, PA 16415

No. Employees, Members

Phone No. (Include Area Code)

Name

City, State and ZIP Code

Street Address

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest

02-01-2003

04-16-2003

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

1. I was hired by the Respondent in 2000 as a Die Cast Punch Operator. During the course of my employment I have been harassed by my employer and subjected to different terms and conditions of employment with respect to my use of sick leave and vacation time. I have also been assigned to work the more difficult machines than my white coworkers, in that, although we rotate on all of the machines. I seem to get assigned to the more difficult machines three or four times more often than my white coworkers. Most recently the following has occurred:

- a) In January 2003 I was placed on a "bad boy" list for attendance problems. As a result of this action, I have lost my privileges for calling off to take a vacation day with little or no notice. Instead every time I want to take off, I must submit a written request and have it approved by my supervisor.
- b) In approximately February 2003, Mr. Gephart, supervisor, asked me to do something that I was not trained to do safely (prepare the aluminum pot). I called over Supervisor Ron Sayers and explained that I was not trained to perform this function but if he directed me to do so, I would do it. Mr. Sayers informed Mr. Gephart that preparing the pot was not something I was supposed to do. After Mr. Sayers left the area, Mr. Gephart informed a witness to the conversation that "we", meaning the white employees, were supposed to make it hard on "them" meaning black

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Cari Goodwine
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

X 72903
Date

Cari Goodwine
Charging Party Signature

GOODWINE
EXHIBIT
1
7/29/05

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):



FEPA



EEOC

172-2003-00962

Pennsylvania Human Relations Commission

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (Continued from previous page):

employees. I reported this incident to Mr. Ben Hancock in Human Resources. To my knowledge nothing was done about Mr. Gephart.

- c) I have recurring problems from an automobile accident which happened in 2000. Respondent has refused to pay my doctor and chiropractor bills for this accident.
- d) *DOES NOT ASSIGN*
Another foreman, ~~Gordy Phillips~~ has regularly assigned me to the hardest jobs more often than the white employees. Mr. Phillips is a friend of Mr. Gephart. Shortly after I complained about Mr. Gephart, Mr. Phillips was planning to breach safety procedures and not advise me to stand back when a valve to a malfunctioning machine was about to be turned on. I accidentally discovered this when I was coming back from getting a drink of water and heard my name mentioned. I could have been burned or seriously injured if Mr. Phillips had carried through with this plan.
- e) In addition, since my complaints about Mr. Gephart, Mr. Phillips has been slow to answer my pages for help, making me page him three or four times before responding.
- f) Although, I was moved away from Mr. Gephart after I complained about him, he continues to come to my area and stand near my machine and watch me.
2. Employees were placed on the "bad boy" attendance list for amassing 3 points by December 2002 for attendance reasons or if management detected a pattern of absences. I asked Mr. Hancock what was going to be done about Mr. Gephart on several occasions after the incident. Mr. Hancock's reply was always that the company was going to decide what to do. To my knowledge nothing has been done to date. I have informed Foreman Ron Sayers about the problems with my assignments and about Mr. Gephart and Mr. Phillips, harassing me by walking past my machine and watching me work. Nothing has been done about it.
3. I believe that the Respondent discriminated against me because of my race, black, and in retaliation for complaining about a supervisor, Mr. Gephart, in that, I did not have 3 points for attendance related matters at the time I was placed on the "bad boy" attendance list. Furthermore, the Union has looked into the matter of this list and found approximately 30 employees with attendance records that were worse than mine. Those employees were not placed on the list. Respondent has failed to take action against supervisors in the past who make derogatory racial comments. Since my complaints about Mr. Gephart, another supervisor, Gordy Phillips, has ignored my pages for assistance and assigned me to the more difficult machines, more often than my white coworkers. I have learned from other coworkers that Mr. Gephart has threatened violence against black coworkers and those who associate with them.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

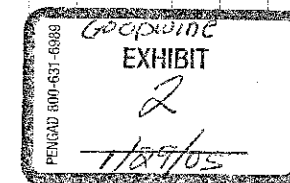
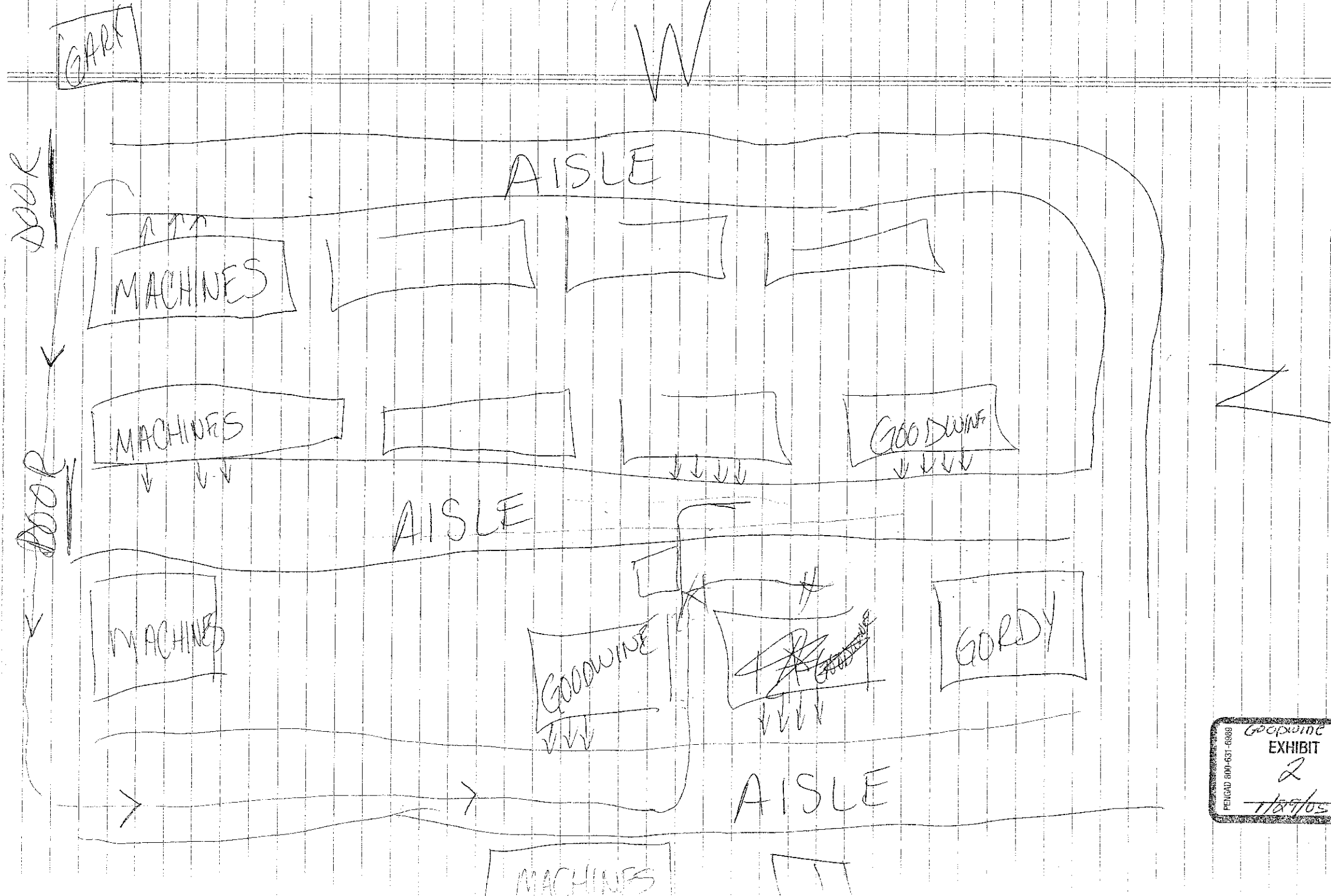
SIGNATURE OF COMPLAINANT

(Signature)
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

X 7-29-03

Date

(Signature)
Charging Party Signature



ECHRC can investigate complaints of discrimination based upon race, color, religion, ancestry, age (40 and above), sex, sexual orientation, national origin, non-job related handicap or disability, known association with a handicapped or disabled individual, possession of a diploma based on passing a general education development test, or willingness or refusal to participate in abortion or sterilization.

IN-15 FORM HARASSMENT QUESTIONNAIRE

Questionnaire on the incident you are complaining about.

To avoid rewriting your answers, please read this short questionnaire from beginning to end before filling out your answers to individual question. Please answer every applicable question as fully as possible, and to the best of your present knowledge, information and belief. If you are unsure of your answer, please say so. It is your responsibility to notify this Agency of a change of address or times of unavailability. Failure to notify this Agency may result in dismissal of the matter.

Name Cari M. Goodwine
 Address 2905 Pennsylvania Ave
 City Erie State Pa Zip Code 16504
 County Erie Telephone No. H (814) 454-5049 W (814) 474-5511

May we call you at work? Yes _____ No ☒

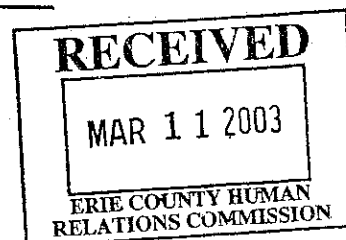
Caution: Failure to correctly identify the name of the legal entity you are complaining about will hinder the processing of your complaint. Bring pay stubs, W-2 forms, contracts, etc. to aid in verification of the name and address.

Name of Organization your complaint is against:

Name P.H.B. DieCastings, Inc.
 Address 7900 West Ridge Rd.
 City Fairview State Pa Zip Code 16415
 Type of Business Metal Shop / Aluminum-Zinc
 County Erie Telephone No. 814-474-5511

Number of employees who work at the organization named above. Please check one.

Less than 4 _____ 15 to 100 _____ 201 to 500 _____ Unknown _____
 4 to 14 _____ 101 to 200 _____ 501 plus ☒



IN -15 FORM

Harassment Questionnaire

(page 2)

Name and address of person who will know how to contact you and who does not reside in your home.

Name Patricia GoodwineAddress 2127 Woodlawn Ave.City ErieState PaZip Code 16510Telephone No. H () 898-2959

W () _____

In this Questionnaire, you will see the word class mentioned. Class means the person's race, sex, age, ancestry, religion and so on. Depending on the issues in the complaint, you may belong to two or more classes. For example, a Black female could belong to two classes: race/Black and sex/female. A White male could belong to race/White and sex/male. All persons named in the complaint or questionnaire should be identified by their class as follows: John Doe (White male), John Doe (under age 40), Jane Doe (Black female). For example, if your complaint is based on race, include the race of all persons mentioned. If it is a sex complaint, mention the sex of all persons mentioned.

1. Discrimination means difference of treatment. Please explain what happened to you and why you feel you were treated differently. In other words, what happened to persons of a different class that makes you feel they received more favorable treatment than you.

My foreman made a comment to another co-worker (white male) that, "We have to make it harder on them". Referring to us white men (we) and them meaning black males.

2. If you believe the organization treated you this way because of one or more of the reasons listed below, please check those reasons. If you believe the employer treated you this way for a reason which is not listed, explain what you believe to be the reason.

<input type="checkbox"/> Sex	<input type="checkbox"/> Ancestry	<input type="checkbox"/> Age (40+) Date of Birth _____
<input checked="" type="checkbox"/> Race	<input type="checkbox"/> National Origin	<input type="checkbox"/> Use of guide dog or support animal
<input checked="" type="checkbox"/> Color	<input type="checkbox"/> GED	<input type="checkbox"/> Participation in/or refusal to participate in
<input type="checkbox"/> Religious Creed	<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Abortion/Sterilization
<input type="checkbox"/> Retaliation	<input type="checkbox"/> Non-job related handicap/disability	
	Identify your disability _____	

3. Who is harassing you?

Name Gary Gephart CLASS White, male

Job Title/Dept. Aluminum Foreman

4. How is this person harassing you? Please explain.

Since the incident frequently walking by me making comments to other foremen.

IN-15 FORM

Harassment Questionnaire

(page 3)

5. How do the actions taken by the harasser against you differ from the actions your employer or your co-workers normally would have taken in similar circumstances?

They differ because he singled me out because of my race, using the terms "we" and "them". He is also using his authority as a former to get away with his actions.

6. Did you complain to management about the harassment?

Yes ☒ No ☐

If yes, who was this person?

Name Benjamin Harcock CLASS White male

Title/Dept. Human Resources Director

- 6a. What action was taken by management?

None. I've personally had problems with Mr. Harcock since being hired concerning unemployment issues and pay issues.

- 6b. As a result of going to management with your complaint, did your work situation improve or get worse?

Better ☐ Worse ☒

Please explain.

Other former have shown lack of help, given dirty looks, and lack of communication.

7. Are you a union member?

Yes ☒ No ☐

If yes, what is the name of your union?

United Steel Workers of America

Address 7900 W Ridge Rd. Fairview or
703 French St.

Telephone Number (814) 474-5706

Business Agent Breg Bible (Fairview)

(FAIRVIEW)

455-1337

(ERIE)

IN-15 FORM

Harassment Questionnaire

(page 4)

8. Did you file a grievance regarding the above problem?

Yes _____ No ☒

If so, attach a copy of the grievance. Explain what step your grievance is in now. Give both step number and letter, and the name and title of the union official dealing with your grievance.

9. Are you a civil service employee?

Yes _____ No ☒

Did you file a civil service complaint regarding the above problem?

Yes _____ No ☒

What is/was the status of your civil service complaint, if applicable?

10. Have you filed a complaint about this matter with any other commission or agency?

Yes _____ No ☒

If so, please specify the commission or agency and the date you filed, to the best of your recollection.

Commission or Agency _____

Date Complaint Filed _____

Docket Number, If Known _____

11. Have you taken any court action regarding this matter?

Yes _____ No ☒

If so, please specify in what court and the date you filed, to the best of your recollection.

Name of Court _____

Date Action Filed _____

City _____ County _____

If there are other facts you feel should be considered, record these on the last page of the questionnaire (Continuation Page).

IN-15 FORM

Harassment Questionnaire

(page 5)

I hereby verify that the statements contained in this complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 PA.C.S. Section 4904, relating to unsworn falsification to authorities.

Cari M. Goodhue

Signature

3-8-03

Date

2905 Pennsylvania Ave.

Address

Eric Pa 16504

City, State and ZIP Code

814 454-5049

Telephone Number

(before 1:30 PM
work 2nd shift)

- NOTICE -

For Equal Employment Opportunities Commission@ Filing

The Erie County Human Relations Commission does not cross-file complaints with the EEOC. To further protect your rights, we urge that you contact the EEOC at (412) 644-3444.



Dec 13th 2003 Saturday Overtime

FOREMAN: Gary Gephardt *PatCamp ←
(former union steward)

Machine: Working 600+4

I was preparing to shutdown the machine for dinner time (6:55pm). I was skimming the pot of metal and I felt tingling in my hands. I didn't realize I was being shocked at the time, so I continued. Sparks then flew and I heard a popping sound. I got zapped!

I threw the pot skimmer and I reported this to both supervisors who were about 10 yds away. They ~~acted~~ acted as if they didn't believe me and they proceeded to check it out themselves. Gary skimmed the pot and the same result (shock). He didn't get the full effect as myself but he felt it also. I told them that I was not running the machine after lunch because it was unsafe.

(Witness John Garfield 600+2) I looked for a 1st responder to do a medical report on my injury, none was available. At 7:30 I went to my machine to report to Pat & Gary and advise them that I couldn't find a 1st responder and my hands and arms were numb. They started up the machine anyway and told me that I could handle it. I told him that I was not going to work injured, he just sighed as if "whatever." He continued to run the machine and I stood until Pete Lindsay arrived.
(Union Steward)

Pete did the Medical Eval. and I explained to him that my arms and hands hurt pretty bad & I couldn't work at that time.

When we went back out on the floor they (foreman) already had another machine up & running for me to work on. I told them that this was "bullshit". With no regard to how I'm feeling or my injuries they just wanted production.

(Bruce Zeigler witness) Maintenance Came up to me afterwards and told me that Pat Camp was "bitching" and ranting raving that I was taking too damn long in getting medical treatment.

** The pot was not grounding at all to anything. I was being shocked by 440 volts.

Maintenance: Bill Diehl. Bruce Zeigler

** I went to the hospital on Monday because the pain continued throughout the weekend. I was given permission by Ron Sayers. I was docked pay and not reimbursed.

Friday April 23rd

* I was approached by Jim Henry ^{1st shift} utility

He told me that while I was on leave a threat was made regarding me. He said he was inquiring about a hole that was being

dog in the new Tool Room. He asked why was it so big and what was going in it. The reply from Bill Darnell (Maint. Superv.) was that "he would like to put me in it." Jim said he reported this immediately to Jay Smith (Union Stew.). Nothing was ever done about this incident until I call Mr Smith on April 26th about 10:AM. Mr. Smith said that he didn't take the comment too seriously and that I shouldn't. I told him under the circumstance everything said about me is taken seriously considering all that I'm going through. He said he'd report it to Human resources & he did.